

THE ART OF
LAW-GIVING:

In III Books.

THE FIRST,
Shewing the Foundations and Superstructures
of all the kinds of Government.

THE SECOND,
Shewing the Frames of the Commonwealths of
Israel and of the *Jews*.

THE THIRD,
Shewing a Model fitted unto the present State,
or Balance of this Nation.

To which is added an Appendix
CONCERNING
An House of PEERS.

1728

By J. HARRINGTON.

*Psal. 115. 16. The heaven, even the heavens are the Lords;
but the earth hath he given unto the sons of men.*

L O N D O N,
Printed by J. C. for *Henry Fletcher*, at the
three Gilt Cups in *Pauls Churchyard*,
near the West-end. 1659.

: D I A

2003

2003



Reader,

IT was intended that there should have been an Epistle Dedicatory of this Book: but while reason and honesty must be———, it is no time for such a Client to expect a Patron. It sheweth you what Commonwealths-Men say is that which could be done; expect greater things when others do what they cannot say. It may be thought, if you be a friend; cold comfort to tell you, that you shall have what you wish, when you can have nothing else; yet is this all, and enough. Security enough to you; and reason enough for me (how unreasonable soever it may be thought) to let go this Piece: in which I intreat you to correct the errours, as is shewn at the end, or at least to take notice of them there before you begin. In

the mean time, whereas writings of this kind are not looked upon with a single eye, as men should look in reasoning, but the Authors of them are looked upon with a single eye as men look in shooting ; I am no enemy of Monarchists : if Commonwealths-Men were no wiser then I, they should never be striven withall , but freely have the whole honour of ruining themselves ; in this state of affairs, the certain end. At least, so am I confirmed in this point , that I exhort all Commonwealths-Men to seek peace and insue it , as the readiest way unto their own good ; and you Reader to bear witness, that I am no incendiary nor mal-content, but have spoken with Religion and Reason ; which if this age fail me, shall be testifi'd by another. And so if I perish, I perish.

THE



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CHAP. II. *Shewing the variation of the English balance.*

CHAP. III. *Of fixation of the Balance, or of Agrarian Laws.*

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THE

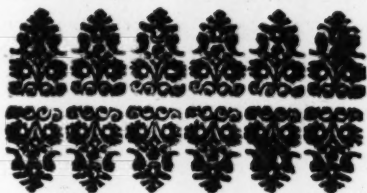
THE
FIRST BOOK :
SHEWING THE
FOUNDATIONS
AND
SUPERSTRUCTURES
Of all the Kinds of
GOVERNMENT.

PSAL. II. 3.

If the foundations be destroyed, what can the righteous do ? Or, when foundations are destroyed, what have the righteous done ?

LONDON,

Printed by J. C. for *Henry Fletcher*, at the
three Gilt Cups in *Paul's Churchyard*,
near the West-end. 1658.



The Order of the First Book.

THe Preface, *Considering the principles or nature of Family-Governments.*

Chap. I. *Considering the Principles or Balance of National-Governments, with the different kinds of the same.*

Chap. II. *Shewing the variation of the English-balance.*

Chap. III. *Of fixation of the Balance, or of Agrarian Laws.*

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The Conclusion, *Observing that the Principles of Humane Prudence being good without proof out of Scripture, are nevertheless such as are provable out of Scripture.*

THE



THE PREFACE:

*Considering the Principles or Nature
of Family-Government.*

DIvines, and like studious Assertors of Monarchy, have taken their rise, not so fairly while they have concealed one part, from the right of Paternity, or from the Government of Families; which may be of two kinds, whereof they have taken notice but of one. For Family-Government may be as necessary popular in some cases, as Monarchical in others.

To shew the nature of the Monar-
chical Family: Put the case a man *Monarchi-
cal Family.*
have one thousand pounds a year, or
so; he marrieth a Wife, hath Chil-
dren,

The Preface.

dren, hath Servants depending upon him at his good will, in the distribution of his Estate for their livelyhood. Suppose then that this Estate come to be spent or lost, where is the Monarchy of this Family? But if the Master were no otherwise Monarchical then by vertue of his Estate, then the foundation or balance of his Empire was in the thousand pounds a year.

*Popular
Family.*

That from these principles there may also be a popular Family, is apparent: for suppose six or ten having each three hundred pounds a year, or so, shall agree to dwell together as one Family; can any one of these pretend to be Lord and Master of the same, or to dispose of the Estates of all the rest? Or do they not agree together upon such orders, unto which they consent equally to submit? But if so, then certainly must the Government of this Family, be a Government of Laws or Orders, and not a Government of a Man, or of some three or four of these men.

*Government of
Laws, and
Government of
men.*

Not but that the one man in the Monarchical Family giving Laws, and the many in the popular Family doing no more, it may in this sense be indifferently

rently said, That all Laws are made by men: But that where the Law is made by one man, there it may be unmade by one man; so that the man is not governed by the Law, but the Law by the man; which amounteth unto the Government of the man, and not of the Law: whereas the Law being not to be made but by the many, no man is governed by another man, but by that onely which is the common interest; by which means this amounteth unto a Government of Laws, and not of men.

That the Politicks may not be thought an unnecessary or difficult Art, if these principles be less then obvious and undenyable, even unto any woman that knows what belongs to house-keeping, I confess that I have no more to say. But in case what hath been said, be unto all sorts and all capacities undenyable, it is most humbly submitted unto Princes and Parliaments, whether, without violence or moving of propriety, they can make a popular Family of the Monarchical, or a Monarchical Family of the popular; or whether that be practicable or possible in a Nation upon like Balance

*The facility
that is in
true Poli-
ticks.*

lance or foundation in propriety, which is not in a Family; a Family being but a smaller society or Nation, and a Nation but a greater society or family.

The difference between a Sovereign Lord, and a Magistrate, though supreme.

That which is usually answered at this point, is, That the six or ten thus agreeing to make one family, must have some steward; and to make such a steward in a Nation, is to make a king. But this is to resolve that the steward of a Family is not answerable unto the Masters of it, or to them upon whose Estates, and not upon his own, he defrays the whole charge; for otherwise this stewardship cannot amount unto Dominion, but must come onely unto the true nature of Magistracy, and indeed of annual Magistracy in a Commonwealth; forasmuch as such accounts in the years end at the farthest use to be cast up, and the Steward, body and estate, to be answerable for the same unto the proprietors or Masters; who also have the undoubted right of constituting such other steward or stewards as to them shall seem good, or of prolonging the Office of the same.

Now

The Preface.

5

Now where a Nation is cast by the unseen ways of Providence, into disorder of Government, the duty of such especially as are elected by the people, is not so much to regard what hath been, as to provide for the supreme Law, or for the safety of the people, which consisteth in the true Art of Law-giving.

where the art of Law-giving is necessary.

The Art of Law-giving is of two kinds; the one (as I may say) untrue, the other true. The untrue consisteth in the reduction of the Balance unto Arbitrary Superstructures; which requireth violence, as Being contrary unto Nature. The other, in the erecting necessary Superstructures, that is, such as are conformable unto the Balance or Foundation; which being purely natural, requireth that all interposition of force be removed.

The art of Law-giving is of two kinds.

B

CHAP

CHAP. I.

*Considering the Principles or Balance
of national Governments; with
the different kinds of the same.*

Pf. 115. 16.
The Original
of propriety.

THe heaven (saith David) even
the heavens, are the Lords:
but the earth hath he given un-
to the children of men: Yet saith God
unto the Father of these Children, *In
the sweat of thy face shalt thou eat thy
bread.* Dii laborantibus sua munera
vendunt. The Donation of the earth
by God unto man, cometh unto a kind
of selling it for industry, a treasure
which seemeth to purchase of God:
from the different kinds and successes
of this industry, whether in arms, or
in other exercise of the mind or body,
deriveth the natural equity of domi-
nion or propriety; and from the legal
establishment or distribution of this
propriety, (be it more or less ap-
proaching towards the natural equity
of

of the same) deriveth all Government.

The distribution of propriety, so far *The balance* forth as it regardeth the nature or *of Empire* procreation of Government, lieth *in propriety.* in the over-balance of the same : after the manner, that a man who hath two thousand pounds a year, may have a retinue, and so a strength, that is three times greater then his who hath but five hundred pounds a year. Not to speak at this time of Money, which in small Territories may be of like effect ; but to insist upon the main, which is Propriety in Land, the over-balance of this, as it was at first constituted, or cometh insensibly to be changed in a Nation, may be especially of three kinds ; that is, in One, in the Few, or in the Many.

The over-balance of Land three to *The genera-* one or thereabouts, in one man against *tion of ab-* the whole people, createth absolute *solute Mo-* Monarchy ; as when Joseph had pur- *narchy.* chased all the lands of the Egyptians *Gen. 47.* for Pharaoh. The constitution of a people in which and like cases, is capable of intire servitude. *Buy us* and our land for bread, and we and our land will be servants unto Pharaoh.

B 2

The

The genera-
tion of re-
gulated
Monarchy.

The over-balance of Land unto the like proportion, in the Few against the whole people, createth Aristocracy, or regulated Monarchy, as of late in *England*: and hereupon saith *Samuel* unto the people of *Israel* when they would have a King,

1 Sam. 8. *He will take your fields, even the best of them, and give them unto his servants.*

Nec totam
libertatem
nec totam
servitutem
pati pos-
sunt. Tacit.

The constitution of a people in this and in like cases, is neither capable of intire liberty, nor of intire servitude.

The genera-
tion of Po-
pular Go-
vernment.

The over-balance of Land unto the like proportion in the people, or where neither one nor the few over-balance the whole people, createth Popular Government; as in the division of the Land of *Canaan* unto the whole people of *Israel* by lot. The constitution of a people in which and like cases, is capable of intire freedom: Nay, not capable of any other settlement; it being certain, that if a Monarch or single Person, in such a State, through the taint or improvidence of Counsels, should carry it; yet through the irresistible force of nature, or the reason alledged by *Moses*,

Numb. II.

14.

I am not able to bear all this people alone,

alone, because it is too heavy for me, he could not carry it; but out of the deep waters would cry unto them, whose feet he had stucken in the mire.

Where-ever the balance of a Government be, there naturally is the ^{Of the Mi-} Militia of the same; and against him ^{litia, and of} or them where the Militia is natural- ^{the Nega-} ly, there can be no negative vote. ^{tive voice.}

If a Prince hold the over-balance, as in *Turky*, in him is the Militia, as the Janizaries and Timariots. If a Nobility hold the over-balance, the Militia is in them, as among us was seen in the Barons Wars, and those of *York* and *Lancaster*; and in *France* is seen, when any considerable part of that Nobility flying out, they are not to be reduced, but by the major part of their order remaining unto the King.

If a People have the over-balance, as in *Israel*, the Militia is in them, as in the four hundred thousand first decreeing, and then waging War against *Benjamin*; where it may be enquired what power there was on earth, having a negative voice unto this Assembly. This, where there is settle-

Judg. 20.

ment, or where a Government is natural. Where there is no *settlement*, or where the Government is unnatural, it ariseth from one of two causes; either imperfection in the balance, or such corruption in the Law-Givers, whereby a Government is instituted contrary unto the balance.

*Imperfect
Govern-
ment.*

Imperfections of the balance, that is, where it is not good or down-weight, cause imperfect Governments: as those of the Roman and of the Florentine people, and those of the Hebrew Kings and Roman Emperours, being each exceeding bloody, or at the least stormy.

*Tyranny, O-
ligarchy,
Anarchy.*

Government against the balance, in One, is Tyranny, as that of the Athenian *Pisistratus*; in the Few, is Oligarchy, as that of the Roman *Decemvirs*; in the Many, is Anarchy, as that under the Neapolitan *Mazinello*.

*The Divine
right of Go-
vernment.*

Where through causes unforeseen by Humane Providence, the balance cometh to be intirely changed, it is the more immediately to be attributed unto Divine Providence: and where-as God cannot will the necessary cause, but he must also will the necessary

fary effect or consequence ; what Government soever is in the necessary direction of the balance, the same is of Divine right : wherefore though of the Israelites God saith, *They have set up kings, and not by me ; they have made princes, and I knew it not :* Yet to the small Countries adjoyning unto the Assyrian Empire, he saith, *Now have I given all these lands into the hand of the king of Babylon my servant---Serve the king of Babylon, and live.* Hof. 8. 4.
Jer. 27. 6.
17.

CHAP. II.

Shewing the variation of the English Balance.

THe Lands in the hold of the Nobility and Clergy of *England*, till *Hen. 7.* cannot be esteemed to have over-balanced those in the hold of the people less then four to one. Whereas in our daies, the Clergy being destroyed, the

Lands in hold of the people over-balance those in the hold of the Nobility, at the least nine in ten. In shewing how this change came about, some would have it that I assume unto my self more then my share; albeit they find not me delivering that which must rely upon authority, and not vouching my authours. But *Henry* the seventh being conscious of infirmity in his title, yet finding with what strength and vigour he was brought in by the Nobility, conceived jealousies of like power in case of decay or change of affections. (*Nondum orbis adoraverat Roman.*) The Lords yet led countrey-lives, their houses were open to retainers, men experienced in Military affairs, and capable of leading; their hospitality was the delight of their Tenants, by their tenures or dependence obliged to follow their Lords in arms. So that this being the Militia of the Nation, a few Noblemen discontented could at any time levy a great Army; the effect whereof, both in the Barons Wars, and those of *York* and *Lancaster*, had been well known unto diverse Kings. This state of affairs was that at which

Henry

Henry the seventh made advantage of troubled times, and frequent unruliness of retainers to take his aim, while under pretence of curbing riots, he obtained the passing of such Laws as cut off retainers, in which the Nobility lost their Officers. Then whereas the dependence of the People upon their Lords was of a strict tie or nature, he found means to loosen this also, by Laws which he obtained upon as fair a pretence, even that of population: thus *Farmes were* ^{Verulam.} brought unto a standard, that the ^{H. 7.} houses being kept up, each of them did of necessity inforce a dweller; and the proportion of Land laid unto each house, did of necessity inforce that dweller not to be a beggar or cottager, but a man able to keep servants, and set the plough on going. By which means a great part of the Lands of this Nation came in effect to be amortized unto the hold of the Teomanry or middle people, whereof consisted the main body of the Militia, hereby incredibly advanced, & which henceforth like cleaner underwood less choaked by their staddles, began to grow exceedingly. But the Nobility, who by the former Laws had lost their

their Offices, by this lost their Souldiery. Yet remained unto them their estates, till the same Prince introducing the Statutes for Alienations, these also became loose ; and the Lords less taken (for the reasons shewn) with their Countrey-lives, where their trains were clipped, by degrees became Courtiers , where greater pompe and expence by the Statutes of Alienations began to plume them of their Estates. The Court was yet at *Bridewell*, nor reached *London* any farther then Temple-bar. The latter growth of this City, and in that, the declining of the Balance unto popularity , deriveth from the decay of the Nobility, and of the Clergy. In the Reign of the succeeding King were Abbies (then which nothing more dwarfs a people) demolished. I did not, I do not attribute the effects of these things thus far unto my own particular observation, but alwaies did and do attribute a sense thereof unto the Reign of *Queen Elizabeth*, and the wisdom of her Council : There is yet living testimony, that the ruine of the English Monarchy , through the
causes

causes mentioned, was frequently attributed unto *Henry* the seventh by Sir *Henry Wotton* ; which tradition is not unlike to have descended upon him from the *Queens Council* : But there is difference between having a sense of a thing, and making a right use of that sense. Let a man read *Plutarch* in the lives of *Agis*, and of the *Gracchi*, there can be no plainer demonstration of the Lacedemonian or Roman Balance ; yet read his discourse of Government in his *Morals*, and he hath forgotten it ; he maketh no use, no mention at all of any such thing. Who could have been plainer upon this point then Sir *Walter Raleigh*, where to prove that the Kings of *Egypt* were not elective but hereditary, he alledgeth that if the Kings of *Egypt* had been elective, *The children of Pharaoh must have been more mighty then the King, as Lords of all Egypt, and the King himself their tenant ?* Yet when he cometh to speak of Government, he hath no regard unto, no remembrance of any such principle. In Mr. *Seldens* *Titles of Honour*, he hath demonstrated the English Balance of the Peerage, with-

Hist. of the
World,
part 1. p.
200.

M. D. L. I.
B. 10.

X without making any application of it, or indeed perceiving it, there, or in times when the defect of the same came to give so full a sense of it. The like might be made apparent in *Aristotle*, in *Machiavil*, in my Lord *Verulam*, in all, in any Politician; there is not one of them in whom may not be found as right a sense of this principle as in this present Narrative, or in whom may be found a righter use of it then was made by any of the parties thus far concerned in this story, or by Queen *Elizabeth* and her Council. *If a Prince* (saith a great Authour) *to reform a Government were obliged to depose himself, he might in neglecting of it, be capable of some excuse; but reformation of Government being that with which a Principality may stand, he deserveth no excuse at all.* It is indeed not observed by this Authour, that where through declination of the Balance unto popularity, the State requireth reformation in the Superstructures, there the Prince cannot rightly reform, unless from Sovereign power he descend unto a Principality in a Commonwealth; nevertheless upon like occasions

casions this faileth not to be found so in Nature and Experience. The growth of the people of *England* since the ruines mentioned of the Nobility and the Clergy, came in the Reign of *Queen Elizabeth* to more then stood with the interest, or indeed the nature or possibility of well-founded or durable Monarchy; as was prudently perceived, but withall temporized, by her Council, who (if the truth of her Government be rightly weighed) seem rather to have put her upon the exercise of Principality in a Commonwealth, then of Sovereign power in a Monarchy. Certain it is, that she courted not her Nobility, nor gave her mind, as Monarchs seated upon the like order, to Balance her great men, or reflect upon their power now inconsiderable; but ruled wholly (with an art she had unto high perfection) by humoring and blessing her people. For this but shadow of a Commonwealth, is she yet famous, and shall ever be; though had she introduced the full perfection of the orders requisite unto Popular Government; First, it had established such Principality unto her successors,

*The great
Council of
Venice
hath the So-
veraign
power, and
the Duke
the Sove-
raign Dig-
nity.*

*M.B.
M.D.L.I.
C. 9.*

as they might have held. Secondly, this Principality (the Commonwealth (as *Rome* of *Romulus*) being borne of such a Parent) might have retained the Royal Dignity and Revenue to the full, improved and discharged of all envy. Thirdly, it had saved all the blood and confusion, which through this neglect in her, and her successours, hath ensued. Fourthly, it had bequeathed unto the people a light not so naturally by them to be discovered, which is pity; For even as the Many through the difference of opinions that must needs abound among them, are not apt to introduce a Government, as not understanding the good of it: so the Many having by trial or experience once attained unto this understanding, agree not to quit such a Government. And Lastly, it had estated this Nation in that full facility, which so far as concerneth meer prudence, is in the capacity of humane nature. To this Queen succeeded King *James*, who likewise regardless of this point (in which nevertheless he was so seen, as not seldom to prophetic sad things unto his successours) neither his new Peer-

Peerage (which in abundance he created) nor the old, availed him against that dread, wherein more freely then prudently he discovered himself to stand of Parliaments, as now meer Popular Councils, & running unto popularity of Government, like a bould down the hill; not so much (I may say) of malice perpersed, as of natural instinct; whereof the Petition of Right, well heeded, is sufficient testimony. All perswasion of Court-Eloquence, all patience for such as but looked that way, was now lost. There remained nothing unto the destruction of a Monarchy retaining but the name, more then a Prince who by striving should make the people to feel those advantages which they could not see. And this happened in the next King, who too secute in that undoubted right whereby he was advanced unto a Throne which had no foundation, dared to put this unto unseasonable, tryal; on whom therefore fell the Tower in *Silo*. Nor may we think that they upon whom this Tower fell, were sinners above all men; but that we, unless we repent, and look better unto foundations, must likewise perish. We
have

have had latter Princes, latter Parliaments ; in what have they excell'd, or where are they ? The balance not heeded, no effectual work can be made as to settlement ; and heeded (as it now stands in *England*) requireth unto settlement no less then the Superstructures natural unto Popular Government : and the Superstructures natural unto Popular Government, require no less then the highest skill or art that is in Political Architecture. The sum of which particulars amounteth unto this, That the safety of the people of *England* is now plainly cast upon skill or sufficiency in Political Architecture : it is not enough, that there are honest men addicted unto all the good ends of a Commonwealth, unless there be skill also in the formation of those proper means whereby such ends may be attained unto. Which is as sad, as a true account ; this being in all experience, and in the judgement of all Politicians, that whereof the Many are incapable. And though the meanest Citizen, nor informing the Commonwealth of what he knoweth, or conceiveth to concern her safety,

com-

commit an hainous crime against God and his Country; such is the temper of later times, that a man having offer'd any ayd at this loss, hath scaped well if he be scorned and not ruined.

But to proceed: if the balance, or state of propriety in a Nation, be the efficient cause of Government, and the Balance being not fixed, the Government (as by the present Narrative is evinced) must remain inconstant or floting, then the process in formation of a Government, must be first by fixation of the Balance, and next by erecting such Superstructures as to the nature thereof are necessary.

CHAP. III.

Of Fixation of the Balance, or of Agrarian Laws.

Fixation of the Balance of propriety, is not to be provided for but by Laws; and the Laws whereby such provision is made, are commonly called

C

Agra-

Agrarian Laws. Now as Governments through the diverse balance of propriety are of diverse or contrarie natures, that is, Monarchical or Popular ; so are such Laws. Monarchy requires of the standard of propriety, that it be vast or great ; and of *Agrarian* Laws, that they bar recess or diminution, at least in so much as is thereby entailed upon the honour. But Popular Government requires that her standard be moderate, and that her *Agrarian* bar accumulation. In a Territory not exceeding *England* in revenue, if the balance be in more hands then three hundred, it is upon swaying from Monarchy ; and if it be in fewer then five thousand hands, it is swaying from a Commonwealth ; which as to this point may suffice at present.

It is at present in more hands, but without fixation may come into fewer.

CHAP. IV.

Shewing the Superstructures of Governments.

THat the Policy or Superstructures of all absolute Monarchs, more particularly of the Eastern Empires, are not only contained, but meliorated in the Turkish Government, requireth no farther proof then to compare them : but because such a work would not lie in a small compass, it shall suffice for this time to say, that such Superstructures of Government as are natural unto an absolute Prince, or sole Landlord of a large Territory, require, for the first story, that what demeasnes he shall think fit to reserve being set apart, the rest be divided into horse-quarters, or Military Farmes, for life or at will, and not otherwise. And that every Tenant for every hundred pounds a year so holden, be by condition of his tenure, obliged to

The Super-structures of absolute Monarchy.

Timariots.

C 2 attend

attend his Sovereign Lord in person, in arms, and at his proper cost and charges, with one horse, so often, and so long as he shall be commanded upon service. These among the Turkes are called *Timariots*.

Beglerbegs The second Story of this building requireth, that these Horse-quarters or Military Farmes, be divided by convenient Precincts or Proportions into distinct Provinces; and that each Province have one Governour or Commander in chief of the same, at the will and pleasure of his grand Signior, or for three years and no longer. Such among the Turks (unless by additional honours they be called *Bashaws* or *Viziers*) are the Beglerbegs.

Janizaries
and Spahies.

For the third Story, there must of necessity be a Mercenary Army consisting both of horse and foot, for the Guard of the Princes person, and for the Guard of his Empire, by keeping the Governours of Provinces so divided, that they be not suffered to lay their arms or heads together, or to hold correspondence or intelligence each with other. Which Mercenary Army ought not to be constituted

ruled of such as have already contracted some other interest, but to consist of men so educated from their very childhood, as not to know that they have any other Parent, or native Country, then the Prince and his Empire. Such among the Turks are the foot called *Janizaries*, and the horse called *Spahies*.

The Prince accommodated with a The Divan Privy Council, consisting of such as and the have been Governours of Provinces, Grand Signior. is the Top-stone. This Council among the Turks is called the *Divan*, and this Prince the Grand Signior.

The Superstructures proper unto The Super- regulated Monarchy, or unto the Government of a Prince some three or structures of four hundred of whose Nobility, or Regula- of whose Nobility and Clergy hold ted Monar- three parts in four of the Territory, chy. must either be by his personal influence upon the balance, or by virtue of orders.

If a Prince by easing his Nobility of Taxes, and feeding them with such as are extorted from the people, can so accommodate their ambition and avarice with great Offices and Commands, that a party flying out, he can

Quæ
 over-balance and reduce them by a greater part of their own orders, he may have greater power and less security, as at present in *France*.

The safer way of this Government is by orders: and the orders proper hereunto, consist especially of an Hereditary Senate of the Nobility, admitting also of the Clergy, and of a Representative of the People made up of their menial servants, or such as by tenure and for livelihood have immediate dependence upon them, as formerly in *England*.

No such
 thing as
 pure Aristocracy,
 or
 pure Democracy.

An Aristocracy, or State of Nobility, to exclude the people, must Govern by a King; or to exclude a King, must Govern by the People. Nor is there without a Senate or mixture of Aristocracy, any Popular Government. Whence though for discourse sake Politicians speak of pure Aristocracy, and pure Democracy, there is no such thing as either in Nature, Art, or Example.

The Super-
 structures of
 Popular
 Govern-
 ment.

Where the people are not over-balanced by one man or by the Few, they are not capable of any other Superstructures of Government, or of any other just and quiet settlement
 whac-

whatsoever, then of such only as consisteth of a Senate as their Counsellours, of themselves or their Representatives as Sovereign Lords, and of a Magistracy answerable unto the people as distributors and executors of the Laws made by the people : and thus much is of absolute necessity unto any or every Government, that is or can be properly called a Commonwealth, whether it be well or ill ordered.

But the necessary definition of a *Definition* Commonwealth any thing well or-*of a well* der'd, is, That it is a Government *ordered* consisting of the Senate proposing, *Common-* the People resolving, and the Magi-*wealth.* stracy executing.

Magistracy is a stile proper unto *Distinction* the executive part ; yet because in *of Magi-* discourse of this kind it is hardly a-*stracy.* voidable, but such as are of the Proposing or Resolving Assemblies, will be sometime surprized under this name or stile, it shall be enough for excuse to say, that Magistracy may be esteemed of two kinds ; the one proper or Executive, the other improper or Legislative.

A Senate may consist of an Hereditary *Senates and* *their kinds.*

tary order, elective for life by it self, or by some Magistrate or Magistrates of the same ; as the Senate of *Rome* consisted of the Patrician order thereinto eligible , first by the Consuls , and then by the Censors. A Senate may consist of Senators elected by the People for life, as that of *Lacedemon*. It may consist of Senators eligible by the people for terms without vacation or interval, as the Senate of *Venice* ; or with interval, as the Senate of *Athens*, which also for another difference was elected by lot.

Popular
Assemblies,
and their
kinds.

A Popular Assembly may consist of the whole people, as the great Council of *Venice* (for the Venetians, though called in respect of their Subjects, Nobility, are all that free people, which is comprized in that Commonwealth) or of a Representative, as in *Israel*. Again, a Representative of the people may be for life, as in the particular Cities or Sovereignities of *Holland*, improperly called Senates ; or it may be upon Rotation, that is to say, by changes or courses, as that of *Israel*, and the present Representative in *England* ; it may also be by lot, as the Roman Tribes called the

Pre-

Prerogative and the Jure vocata.

To speak of Magistrates in a Commonwealth, and all their kinds, were to begin an endless discourse : the present I shall therefore confine to such only as may be called *Supream Magistrates*, and their kinds. The *Supream Magistracy* of a Commonwealth may be in one or more ; and it may be for life, or for terms and vacations. In one elective by the people for life ; as in the Duke of *Venice*, whose function is Civil and not Military. In two Hereditarily ; as in the two Kings of *Lacedemon*, whose function was rather Military than Civil. In nine annually elective by the people ; as in the nine Princes or Archontes of *Athens*. In two annually elected by the people ; as the Roman Consuls, whose power was both Military and Civil. In fine, it may be whether in one or more, for life, or for terms and vacations, as shall best suit with the occasion.

Some Commonwealths consist of *Other distinct* Sovereignties, as *Switz* and *severences in Holland*; others are collected into one *Commonwealths* and the same Sovereignty, as most of the rest. Again, some Commonwealths

wealths have been upon Rotation or courses in the Representative only, as *Israel*. Others in the Magistracy only, as *Rome* : some in the Senate and in the Magistracy, as *Athens* and *Venice*. Others in some part of the Magistracy, and in others not ; as as *Lacedemon* in the *Ephori*, and not in the Kings ; and *Venice* not in the Duke [not in the *Procuratori*, but in all the rest. *Holland*, except in the election of States Provincial (which is emergent) admitteth not of any rotation or courses. There may be a Commonwealth admitting of Rotation throughout, as in the Senate, in the Representative, and in the Magistracy ; as that proposed in *Oceana*.

Rotation or
courses.

Rotation, if it be perfect, is equal election by, and succession of the whole people unto Magistracy by terms and vacations.

Popular
Election.

Equal election may be by lot, as that of the Senate of *Athens* ; by suffrage, as that of *Lacedemon* ; or by Balot, as that of *Venice* ; which of all other is the most equal.

The Balott.

The Balot as it is used in *Venice*, consisteth of a lot ; whence deriveth the right of proposing, and of an unseen

unseen way of suffrage or of resolving.

From the wonderfull variety of ^{The differ-} parts and difference of mixture, ^{h- rent Genius} therto scarce touched, result those ^{of Common-} admirable differences that are in the ^{wealths.} constitution and Genius of Popular Governments; some being for defence, some for encrease; some more equal, others unequal; some turbulent and seditious, others like soft streams in perpetual tranquillity.

That which causeth innate sedition ^{The cause of} in a Commonwealth, is inequality; as ^{sedition in a} in Rome, where the Senate oppress the ^{Common-} people. But if a Commonwealth be ^{wealth.} perfectly equal, she is void of sedition, and hath attained unto perfection, as being void of all internal causes of dissolution.

An equal Commonwealth is a Go- ^{Definition} vernment founded upon a balance ^{of an equal} which is perfectly Popular, and well ^{Common-} fixed by a suitable ^{wealth.} Agrarian; and which from the balance through the free suffrage of the people given by the Balot, amounteth in the Superstructures unto a Senate debating and proposing, a Representative of the people resolving, and a Magistracy executing

ecuting, each of these three orders being upon courses or Rotation; that is, selected for certain terms, enjoying like intervals.

The difference between Laws and Orders.

Such constitutions in a Government as regard the frame or Model of it, are called Orders; and such things as are enacted by the Legislative orders, are called Laws.

To undertake the binding of a Prince from invading liberty, and yet not to introduce the whole orders necessary unto Popular Government, is to undertake a flat contradiction, or plain impossibility.

Hazard through the want of principles.

A People or Assembly not discerning of true principles, give least credit unto the best orders, and so come to cast themselves upon men: for where orders are not credited, there men must be trusted; and where men are trusted, they find themselves so well, that they are either for bringing in a Commonwealth by degrees, or not at all. The desire of bringing in a Commonwealth by degrees, ariseth from want of consideration, that the whole of a Commonwealth, as to charge or trouble is less then the half. He who hath a journey to go, doth not choose

choose to have but half a bridle, or
but one boot or stirrup, though these
be fewer things, and come but unto
half the charge; because this would
but necessitate unto more things,
and more chargeable or dangerous
things.

*Optimus ille animi vindex, ladensia
pectus
Vincula qui rupit, dedoluitque semel.*

The

The Conclusion :

Observing that the principles of Humane Prudence being good without proof out of Scripture, are nevertheless such as are provable out of Scripture.

WHo imagineth that the Romans Governed by proof out of Scripture ?

Yet saith *Peter*, *Submit your selves* 1 Pet. 2. 13. *unto* (humane prudence, or) *every ordinance of man* ; which relateth more particularly unto the Government of the Romans. The most frequent comparison of a Commonwealth, is to a Ship ; but who imagineth that a ship ought not to be built according to the Art of the Ship-Wright, or Governed according unto the Compasse , unlesse these be proved out of Scripture ? Nevertheless, as hitherto I have proved the principles of Humane Prudence in the

the parts out of holy Scripture ; so I undertake to vindicate them in the whole, as to the intire frame of Popular Government, in the insuing Book, by the same Authority, and undeniable evidence.

THE

THE
SECOND BOOK,
Containing the
COMMONWEALTHS
OF THE
HEBREWS:

As namely,

ELOHIM,
OR THE
Commonwealth of Israel ;

AND

CABALA,
OR THE
Commonwealth of the Jewes.

*I have said ye are Gods---but ye shall dye like
men, and fall like one of the Princes. Psal. 82.*

L O N D O N,

Printed by J. C. for *Henry Fletcher*, at the
three Gilt Cups in *Pauls* Churchyard,
near the West-end. 1659.



The Order of the Second
Book.

THe Preface, *Shewing that there were Commonwealths before that of Israel.*

Chap. I. *Shewing that Israel was a Commonwealth.*

Chap. II. *Shewing what Commonwealth Israel was.*

Chap. III. *Shewing the Anarchy or state of the Israelites under their Judges.*

Chap. IV. *Shewing the state of the Israelites under their Kings to the captivity.*

Chap. V. *Shewing the state of the Jews in captivity, & after their return from captivity; or the frame of the Jewish Commonwealth: and in that, the originall of Ordination.*

H 2

Chap.

Chap. VI. *Shewing how Ordination was brought into the Christian church, and the diverse ways of the same at divers times in use with the Apostles.*

The Conclusion : *Shewing that not God, nor Christ, nor the Apostles ever instituted any government Ecclesiastical or Civil upon other principles then those onely of Humane Prudence.*

Adver-

Advertisement to the Reader.

VHereas the Senate or seventy Elders of Israel are most properly called the Sanhedrim or *συνέδριον*, I shall use this word, first because it is the Scripture word throughout those places in the New Testament where it is translated the Council; and secondly, because there being many Councils, this translation of the word causeth confusion. So doth that of the word *γνυσία* which though in other commonwealths it signifie the Senate, yet in the Jewish commonwealth is taken for the Presbytery. To give an instance of the necessity I am put upon in this advertisement; Our translators say thus: *The high priest came, Acts 5.21. and they that were with him, & called the council and all the Senate of the*


children of Israel: which words are not to be understood. I shall crave leave therefore to render them thus: *The high Priest came and called the Sanhedrim, and all the Presbytery of the children of Israel*: which sense is exactly conformable unto the originall of the text, and unto the orders of the Jewish Commonwealth. For the Sanhedrim and the Presbytery, were in the Jewish Commonwealth the Senate and the People.

The



THE
SECOND BOOK,
Containing the
Commonwealth of Israel.

The Preface; shewing that there
were Commonwealths before
that of Israel.


 Humane prudence, in the first
cause, is a creature of God;
and in the second, as ancient
as humane nature: nor
is it so much younger in any of those effects
or ends why it was ordained of
God, that we should think Israel to have
been the first commonwealth, or the first
popular government that was, or that
was planted in Canaan; for of the like
in the countries thereabout, there were
both before and at the same time. It was

in Canaan, that Melchisedec king and priest of Salem, or of Jerusalem, had reigned during the time of Abraham, who pay'd him tithes of all that he had.

Tithes originally belong to kings.

I Sam. 8.

15. 17.

The commonwealth of Salem.

Now tithes before Israel and the institution of the Levites, belong'd not to any clergy, but unto the Prince or State. Whence Samuel in the description of a

king, telleth the people that he will take the tenth of their goods. Thus Abraham in paying tithes to Melchisedec, acknowledged him for his prince. Yet had Abraham the right of the sword, and made war with kings, as those of Sodom, at his own discretion; whence Canaan may seem to have been a common-

The commonwealth of the Philistines.

wealth in those dayes, much after the manner of Germany in these. The five Lords (perhaps five Tribunes) of the Philistines, must needs have been some Aristocracy at least of Princes joyning in one body or commonwealth. So Venice in her first age was under Lords or Tribunes. It is little to be doubted, but the Government of Jethro, king and priest of Midian, was of like nature with that of Melchisedec, or of the Lacedemonian kings, who were also priests; or that the counsel he gave unto Moses (being for the institution of such judicatories as

The commonwealth of Midian.

are

are not proper in Monarchy) was other then according unto the orders of his own commonwealth. And lest these governments should seem lesse popular, the Embassadours of the Gibeonites coming unto Josua, say thus, Our El-<sup>The com-
monwealth</sup> ders (or our Senate) and all the inha-<sup>of the Gi-
beonites.</sup> bitants of our country (or the popular assembly of the same) spake unto us say-<sup>Josua 9.
11.</sup> ing---Go meet them, and say unto them, We are your servants: therefore now make ye a league with us. To make a league with a forrain nation, evinceth sovereign power; and that this league was made by the Senate and the people, evinceth Gibeon to have been a popular government. Such a thing then as Popular government most undeniably there was, before Israel. Now whether Israel were a popular government or no, I shall refer my self to tryall by the ensuing chapter.

CHAP.



CHAP. I.

Shewing that Israel was a Commonwealth.

Sect. 1.

Exod. 1. 5.

The rise of the Israelitish government. Of the Princes of the Tribes, and of the Princes of families.



It is said of the Israelites that went first into Egypt, *All the souls that came out of the loynes of Jacob were seventy soules*: These becoming so many fathers of families, and governing their own families by paternal right, it followed that at first they so governed the whole people, yet not with any sovereign power, (as may be easily thought) in a country that had a prince of her own, but by way onely of direction and advice. The people being thus accustomed unto a way, as any of these seventy came to dye, supply'd his place with another of their election; at least for the probability of this opinion, we find mention of *Moses, Nadab, Abihu, and seven-*

Exod. 24.
9.

seventy of the elders, before the institution of the Israelitish Senate or Sanhedrim. Unto these and unto the people *Moses* proposed his Lawes. So I am sure in the Latine it is expressly said, where by our English translation it is thus rendred: *This is the law* (and by the law here is meant no lesse then the whole book of Deuteronomy) *which Moses set before the children of Israel*, whose assemblies were not always without faction; For *Korah, Dathan, and Abiram*, with two hundred princes of the assembly, famous in the congregation, men of renown, banished themselves against *Moses*, and his intended election of his brother *Aaron* unto the hereditary Priesthood, upbraiding him (saith *Josephus*) that he went about to dispose of this honour without the suffrage of the congregation, thereby affecting Tyranny, and sly usurpation of the liberty of the people: which sense also is implied by their reproaching him in Scripture; *Is it a small thing that thou hast brought us up out of the land that floweth with milk and hony, to kill us in the wilderness? except thou make thy self altogether a prince over us.* But where-

Hæc est lex quam Moses

Deut. 4. 44. and where-

as betwixt

a precept & a command

there is

large difference; in pla-

ces more

then I can

stand to

number,

where the

Latine hath

it, præcepit

Moses; the

English hath

it, Moses

command-

ded.

Joseph. ant.

l. 4. c. 2.

Num. 16.

13.

That Moses was no King. as the Scripture in all this presumes these incendiaries to have bely'd *Moses*; some will have all they thus layd unto his charge, to be no more, but lesse then truth; in that they will needs have *Moses* not only to have been a King, but to have been a King exercising arbitrary power, and such arbitrary power as being without any bounds, amounteth fully unto Tyranny.

Seet. 2. *That Moses proposed his laws to the people and their suffrage.* The word King is not a sufficient definition of the Magistrate so styled: Between a *Lacedemonian* King and a *Persian* King, or between either of these and a King of *England*, there was vast difference. Both the Kings in *Lacedemon* were but as one Duke in *Venice*. The *Venetians* therefore, if it had so pleased them, might as well have called their Duke King. Certain it is, that he is not so much in the Commonwealth, as are a few of his Counsellours; and yet all acts of the Commonwealth run in his name, as if there were no Commonwealth.

Deut. 34. 4. *In what sense Moses may be cald a King.* It is said (according to our translation) *Moses commanded us a law, &c.* according to the Original, *Moses (proposed, or) gave us a law, which*

is

is an inheritance unto the congregation of Jacob. The Duke of Venice hath right to propose or give law in the congregation or great councill of Venice; where he who seeth him sitting, would believe he were a King. And if Moses were King in Jesurun (or Israel) it was when the heads of the people and the Tribes of Israel were gathered together. Paul, epitomizing Acts 13. the story of the people of Israel, in his Sermon to the Antiochian Jewes; sheweth how God chose their fathers, exalted the people, destroyed (for their sakes) seven nations in the land of Canaan, and divided their land to them by lots: but speaketh no word of any king given unto them, till expressly after their Judges. But if Moses were a king, yet that he not proposed, but commanded of his power the laws which he gave unto Israel, doth not follow. For David was a King, who neverthelesse did no otherwise make any law then by proposition unto the people, and their free suffrage thereupon. David consulted with the captains of thousands, and hundreds, and with every leader, (of which Military discipline of the congregation of

1 Chron. 12.

1 Sam. 4.

of Israel, more in due place will be shewn) and David said unto all the congregation, If it seem good unto you, and that it be of the Lord our God, (though he were a king, and a man after Gods own heart, he maketh the people judges what was of God) let us send abroad unto our brethren every where that are left in all the land of Israel, and with them also to the Priests and Levites that are in their cities and suburbs, that they (to the end this thing may be performed with the greatest solemnity) may gather themselves to us; and let us bring the Ark of God to us: for we inquired not as it in the days of Saul. In the days of Eli the Ark was taken by the Philistines: who being smitten till there was a deadly destruction throughout all the city, and their Divines attributing the cause thereof unto detention of the Ark, after seven moneths sent it to Bethshemesh, whence it was brought unto Kirjath-jearim, and there lodged in the house of Aminadab, before Saul was king, where it remained till such time as David proposed in the manner shewn unto the people, for reduction of the same. Upon

Upon this proposition, the people giving suffrage are unanimous in their result; *All the congregation said, that* 1 Chron. *they would do so* (not that they could 13. 4. do no otherwise by a king, for they did not the like by Rehoboam, but that) *the thing was right in the eyes of all the people.* Moreover, David and the Chap. 25. captains of the host separated to the service of the sons of Asaph, and of Heman, and of Jeduthun, who should prophesy with harps, with Psalteries and with cymbals; that is, proposed these laws for Church-discipline, or offices of the Priests and Levites, unto the same representative of the people: of which more in other places. Thus much in this, to shew, that if Moses were a king, it doth not follow that he proposed not his laws unto a congregation of the people having the power of result. To say that the laws proposed by Moses were the dictate of God, is not to evade, but to confirm the necessity of proposing them unto the people, seeing the laws or dictates of God or of Christ, can no otherwise be effectually received or imbraced by a people, or by a private man, then by the free suffrage of soul or conscience.

Bxx

Sect. 3. But for another way, such an one
That there as it is of crowning *Moses*, some are
lay no ap- positive that there lay an appeal from
peal from the seventy Elders unto *Moses*.
the 70 El- Now the command of God unto *Mo-*
ders to Mo- *ses* for the institution of the seventy, is
ses.

Num. II. this: *Gather unto me seventy men of*
 16. *the elders of Israel--- that they may*
stand with thee. Upon which words
 let me aske whether had *Moses*
 thenceforth a distinct or a joynt politi-
 call capacity? If the seventy stood
 with *Moses*, or it were a joynt capaci-
 ty, then *Moses* was no king in their
 sense; and if it were distinct, then lay
 there unto *Moses* no appeal, even by
 his own law: for thus in the case of
 Deut. 6. appeals it is by him directed. *If there*
arise a controversy too hard for thee
in judgment--- thou shalt come unto the
Priests and Levites (that is, to the se-
 venty Elders)---*According to the sen-*
tence of the law which they---shall tell
thee, thou shalt do--- And the man
that will do presumptuously, and will not
hearken---even that man shall dye. In
 which words all colour of appeal from
 the seventy elders is excluded.

Sect. 4. But whether *Moses* were a king or
 no king, either his power was more
 then

then that of king *David*, or without proposition unto, and result of the people, it is plain that he could passe no law. Now the Senate, Sanhedrim, or seventy Elders, came in the place of *Moses*, or stood with him; therefore their power could be no more then was that of *Moses*. If the power then of *Moses* were never more in the matter of lawgiving, then to propose unto the people; the power of the Sanhedrim could be no more in the matter of lawgiving, then to propose unto the people: nor will it be found in Scripture that the Sanhedrim ever made any law without the people, yet it is found in Scripture that the people made law without the Sanhedrim, or levy'd war without them, which is all one: for where there is the power to levy war, there will be the power to make law. And the occasion upon which this is found, is the war levy'd against *Benjamin* by the congregation consisting of four hundred thousand. Again, if the Sanhedrim inherited the vvhole power of *Moses*, and yet had no larger power in law-making, then to propose unto the people, then had *Moses* never any larger
I power

Judg. 20.

power in law-making then to propose unto the people. Now vvhere there is no king, or no king in a distinct capacity from the Senate, and the Senate hath no farther power in law-making, then to propose unto the free suffrage of the people; the government is a commonwealth. Thus having shewn that Israel was a Commonwealth, I come to shew vvhat commonwealth Israel was.

CHAP. II.

Shewing vvhat Commonwealth Israel was.

Sect. I.
*Division of
the children
of Israel
first Genea-
logical.*

ALL Political Methods that are collective of the people, must necessarily begin vvith distribution or division of the people.

Exod. I.

For the division of the people of Israel, it vvvas first Genealogical, and then Local. *Now these are the names (of the ancelshours of the Tribes, or) of the children of Israel which came into Egypt, every man and his household came vvith Jacob. Reuben, Simeon, Le-
vi,*

vi, and Judah, Issachar, Zebulun, and Benjamin, Dan, and Naphtali, Gad, and Asher. These being eleven in Number, were the sons of Jacob, who had also one more, namely Joseph.

And unto Joseph were born two sons before the years of famine came: which ^{Gen. 41.} ^{50.}

Asenah the daughter of Poti-pherah ^{51.}
priest of On, bare unto him. And Joseph ^{52.}

called the name of the first born Manasseh---and the name of the second called he Ephraim. Which two (though but grandchildren) were adopted by Jacob for his sons, in these words: Let

my name be named on them, and the ^{Gen. 48. 16}
name of my fathers Abraham and Isaac, and let them grow into a multitude in the midst of the earth. From which

addition unto the former, came the Tribes of Israel, Genealogically reckoned, to be in number thirteen.

In the genealogical distribution of the Tribes, there were also observed certain ranks, qualities, or degrees, as appears by the poll made of Israel in the wilderness of Sinai, and ^{Num. 1.}
in the tabernacle of the congregation by Moses. These degrees were of two

sorts: first, Phylarches, or Princes of Tribes; and secondly, Patriarches, or

Princes of families; all hereditary honours, and appertaining unto the first born of the Tribe or of the family respectively. That this *Poll* be more perfectly understood, will be usefull: for vvhich cause, I shall be somewhat more particular. First, for the Phylarches, or princes of the Tribes, and then for the Patriarches, or princes of families. To begin with the Princes of the Tribes.

Sect. 2. *Moses and Aaron---assembled the*
 17. *congregation (or political convention*
 18. *of the people) together on the first*
day of the second moneth, after their fa-
milies, by the house of their fathers, ac-
cording to the number of the names, from
twenty years old and upwards by the
poll. Where every Phylarch or prince
of a Tribe, vvith the number of men
at the age mentioned, and upwards,
throughout his Tribe, are listed much
after this manner.

Of the Prin-
ces of
Tribes: or
the muster-
roll in Si-
nai.

1. Of the Tribe of *Reuben*, *Eli-*
zur, Prince. The men of military
 age in his Tribe, forty six thou-
 sand five hundred.
2. Of the Tribe of *Simeon*, *Shela-*
miel, Prince. The men of military
 age

age in his Tribe, fifty nine thousand three hundred.

3. Of the Tribe of *Judah, Nafhon*, Prince. The men of military age in his Tribe, threescore and fourteen thousand six hundred.
4. Of the Tribe of *Iffachar, Nethaniel*, Prince. The men of military age in his Tribe, fifty four thousand four hundred.
5. Of the Tribe of *Zebulun, Eliab*, Prince. The men of military age in his Tribe, fifty seven thousand four hundred.
6. Of the Tribe of *Ephraim, Elishama*, Prince. The men of military age in his Tribe, forty thousand five hundred.
7. Of the Tribe of *Manasseh, Gemael*, Prince. The men of military age in his Tribe, thirty two thousand two hundred.
8. Of the Tribe of *Benjamin, Abidan*, Prince. The men of military age in his Tribe, thirty five thousand four hundred.
9. Of the Tribe of *Dan, Abiezer*, Prince. The men of military age in his Tribe, threescore and two thousand seven hundred.

10. Of the Tribe of *Asher, Pagiel*, Prince. The men of military age in his Tribe, forty one thousand five hundred.
11. Of the Tribe of *Gad, Eliasaph*, Prince. The men of military age in his Tribe, forty five thousand six hundred and fifty.
12. Of the Tribe of *Naphtali, Abira*, Prince. The men of military age in his Tribe, fifty three thousand four hundred.

The total summe of which muster-roll in the twelve Tribes, amounteth unto Princes twelve, and men of military age six hundred three thousand five hundred and fifty: besides the Levites.

Sect. 3. *All the first born* (saith God) *are mine.* In which words is imply'd, that the priesthood, or right of preaching, instructing, or administering divine things, belongeth, as it were, of natural right, unto fathers of families, or the first born; till the Lord took the Levites from among the children of *Israel, instead of the first born.* These being thus taken, were set apart, and so listed by themselves (to omit their

The Levites call, order, or Tribe.
 Num. 3.
 12.
 13.

seve-

several families, functions, and orders in the service of the tabernacle, and afterwards of the temple, vvhich would ask a volume) much after this manner.

Of the Tribe of *Levi*, *Aaron* high Priest. The number of all the males of this Tribe, *from a moneth old and upwards, twenty and two thousand*. The manner how **God** took the Levites, is thus expressed: *Thou shalt bring the Levites before the tabernacle of the congregation, and thou shalt gather the whole assembly together--- and the children of Israel* (after the manner that the Levites lay their hands upon the bullocks, or sacrifice) *shall put their hands upon the Levites*, in token that they are sacrificed by the free suffrage of the people unto the Lord. For lest the suffrage of the people be thought hereby to have been excluded; So *David and the captains of the host* (which host was the representative of the people) *separated to the service of the sons of Asaph, of Heman, and of Jeduthun,--- who should prophesie with harps*. But of the congregations of the people, more in due place.

v. 39.

Num. 8. 9,
10, 11, 12.
1 Chr. 25.

Sect. 4.

The military orders.

Grot. ad

Num. 10.

The hereditary right more especially belonging unto the Phylarches, or Princes of the Tribes, consisted (as that of the Kings of *Lacedemon*, of *Athens*, and of *Rome*) in the leading of the armies of the Commonwealth; which was distributed unto them in this manner. The twelve Tribes were divided into four brigades, every brigade consisting of three Tribes. The leading of the first brigade appertained unto *Judah*, who in his standard bore a lion. The leading of the second brigade belonged unto *Reuben*, who in his standard bore a man. The leading of the third brigade belonged unto *Ephraim*, who in his standard bore an ox. The leading of the fourth brigade belonged unto *Dan*, who in his standard bore an eagle. These four by the text are termed

Num. 10.

14. 18, 22,

25.

standards of the Camp, which were as the *Roman* eagles. Farthermore, as the subdivisions of the *Roman* Legions had their proper ensignes, so the Tribes here, which had not the leading of a brigade of the camp. The ensignes of these Tribes were called *Staves*; as the *staff* of the children of *Issachar*, the *staff* of the Tribe of *Zebulun*,

bulun, which followed the standard of Judah. The *staff* of the Tribe of Simeon, the *staff* of the Tribe of Gad, which followed the standard of Reuben. The *staff* of the Tribe of Manasseh, the *staff* of the Tribe of Benjamin, which follow'd the standard of Ephraim. The *staff* of the Tribe of Asher, the *staff* of the Tribe of Naphtali, which follow'd the standard of Dan. All which ensignes or *staves* in our English translation are rendred *hosts*.

In the midst of these four squadrons or brigades, stood the Tabernacle, Num. 3. with the Levites divided, and distributed by their distinct families, unto the several uses and carriages of the same, and lodged upon the four quarters.

When the Ark set forward, or the camp removed, these words were with solemnity pronounced by the General, or by the high Priest; *Rise* Num. 10. *up Lord, and let thine enemies be scattered, and let them that hate thee flee before thee.* 35.

Of the Martial discipline in which the youth in Israel were educated unto these ends, there was certainly more

more then is remaining in story. But that their popular assemblies were all held in Military order and discipline, and that deserters of the Militia were Anathematized, confiscated, or put unto the sword, will in due time be made sufficiently apparent. For the present, you have the Israelitish muster-roll, being of like nature with that in *Athens*, called *Lexiarcha*; and that in *Rome*, called *Census*. Nor hath any Commonwealth been well order'd in her Militia, which hath not been diligent in the institution and preservation of like Military rolls or registers. Hitherto of the Phylarches, or Princes of the Tribes; the next rank or quality in this government, was that of the Patriarches, or Princes of families.

Sect. 5. The word *family* in many places of Scripture, is not to be taken for a single household, but as we take the word in Heraldry, that is, for a lineage, or kindred. The Patriarches in Israel, taken in this sense, were such as till of late yeares in *Scotland*, were they that could lead the whole name, or kindred, and be follow'd by them. The families in Israel of this kind, that

The Patriarchs, chief of the fathers, or Princes of families; with a catalogue of the same.

that vvere greatest about the plantation of the Commonwealth, were of *Reuben*, the *Henochites*, the *Phallnites*, Num. 26. the *Hefronites*, and the *Charmites*.

Of *Simeon*, the *Namuelites*, the *Jamnites*, the *Jachenites*, the *Zarites*, and the *Shaulites*.

Of *Gad*, the *Zephronites*, the *Haggites*, the *Shunites*, the *Oznites*, the *Erites*, the *Arodites*, and the *Arclites*.

Of *Judah*, the *Shelanites*, the *Pharizites*, the *Zarhites*, the *Hefronites*, and the *Hamulites*.

Of *Issachar*, the *Tholaites*, the *Punites*, the *Shubites*, and the *Shimranites*.

Of *Zabulun*, the *Sardites*, the *Elonites*, and the *Jahleelites*.

Of *Manassch*, the *Machirites*, the *Galeadites*, the *Jeezzrites*, the *Helekites*, the *Asrielites*, the *Sechemites*, the *Shemidaïtes*, and the *Hepherites*.

Of *Ephraim*, the *Shuthalaïtes*, the *Bachtites*, the *Tahanites*, and the *Eranites*.

Of *Benjamin*, the *Belaites*, the *Ashebelites*, the *Ahiramites*, the *Shuphamites*, the *Huphamites*, the *Ar-*

Ardites, the Heredites, the Naamites.

Of *Dan*, the *Subamites*.

Of *Asher*, the *Jimmities*, the *Jessuities*, the *Briits*, the *Heberites*, and the *Melchielites*.

Of *Naphtali*, the *Jazrielites*, the *Gunites*, the *Jeserites*, and the *Shillemites*.

Of *Levi*, the *Gersonites*, the *Caharites*, and the *Merarites*. The heads of these were such as are called Patriarches, Princes, heads of families, or chief of the fathers.

Families, though far lesse subject then in other governments to decay or increase, might at diverse times be different in *Israel*; as after *Benjamin* was destroy'd, or after *David* had rais'd his own and many other: but thus were the families at this time sixty, the tribes being as was shewn before, thirteen.

In the first institution of the Tribes of *Rome*, that is, the *Ramnenses*, *Titienfes*, and the *Luceri*, they were also genealogical, but long it held not so; genealogical divisions in a Commonwealth, being for the most part of greater danger then use: but whether ge-

genealogies be observ'd or not observ'd, the local vway of division is of absolute necessity.

To insert the Geography of the *Sect. 6.*
 Israelitish Tribes, vwould be as bur- *Of the lot*
 densome both to the reader and my *or ballot of*
 self, as needlesse unto either. But the *Israel.*
 manner how the Tribes became local, was through the distribution of the land of *Canaan* by lot and intayling; the lands so distributed, unto the proprietors and their heirs for ever, without power of alienation, in any such manner as to deprive their posterity. The lot or ballot in Israel was especially of three uses; one for election of magistrates, another for the discovery of some secret malefactor, and a third for the division of lands: to which three heads I hope to reduce the vvhole history of the government: and this work once performed, it will be easie to represent the Commonwealth in her Political method.

To begin with the election of Magistrates, it vvas performed sometimes by the lot, without suffrage; and sometime by the ballot, that is, by a mixture of lot and suffrage. For the clearer discovery of the order in elections,

ctions, I must invert the order of the Magistrates elected, and begin with the King; then proceed unto the Judge, and come last of all unto the Sanhedrim, and the inferiour courts.

The instruments used upon these occasions, were first lots, some blanks and some prizes: then Urnes (that is, pots) into vvhich these lots were cast, and out of which they were afterwards drawn, or *given forth*; by what officers, or with what farther solemnity, doth not appear.

- Sect. 7. When the people would needs have a King, *Samuel* being their Judge, did that, though against his will, which neverthelesse was no more then his duty: that is, First, *hearken- ed unto the voice of the people*: or obey'd their vote. Secondly, *called the people together unto the Lord to Mizpeh*. The political assembly, or congregation of the people of Israel, was called (*Ecclesia Dei*) *the congregation of the Lord*, as it ought to have been expressed in the tryal of *Benjamin*, and is in some place expressed by our translation: as where, *An Eunuch*, (or one unfit for marriage with a daughter of Israel, vvhich capacity
- 1 Sam. 8. 7.
22.
1 Sam. 10. 17.
Judg. 20.
Deut. 23.
- vvas

vvas necessary unto being enrolled of
 a Tribe) a *bastard* (as dishonourable)
 an *Ammonite*, or *Moabite*, (as de-
 scended of perfidious nations) shall
 not enter into the congregation of the
 Lord : That is, shall not have right of
 suffrage with the people of Israel. So
Samuel, by calling the congregation of
 the Lord, or the people together unto
 the Lord in *Mizpeh*, the place, before
 the taking of *Jerusalem*, vvhether they
 alwayes held their Parliaments, or
 political assemblies, did the office of
 like magistrates in Commonwealths. For the as-
sembly of
the congre-
gation at
Mizpeh, see
Judg. 10.
17.
Judg. 11.
11.
Judg. 20. 1.
Judg. 21. 1.
1 Sam.
7. 6.
16. 17.
 The people being thus assembled, (for
 to be brief, I must proceed with con-
 jectures, vvhich at the first sight will
 seem bolder then they are) *Samuel*
 caused the urnes to be set forth,
 pronounced the solemn form of
 words in use upon like occasion, which
 were these. *Present your selves before*
 the Lord, by your Tribes, and by your
 thousands. The Political assemblies
 of the children of Israel, vvere held,
 or gathered (as vve say) with drums
 beating, and colours flying : and if it
 were an extraordinary congregation,
 that is, a congregation consisting of
 the whole people, as this, and that for
 the

the tryal of *Benjamin*; the Princes of the Tribes with their Staves, and Standards of the Camp, (in the order shewn) led up the people unto the urnes, or ballot. Wherefore upon these words of *Samuel*, the Princes marched in their known discipline unto the urnes. The urnes were two: in the one vvere twelue lots inscribed with the names of the twelve Tribes: in the other, were also twelve other lots, vwhereof eleven vvere blanks, and the twelfth inscribed with some vvord. What the Israelitish word was, doth not appear. The *Roman* word upon like occasion, was *Prerogative*: wherefore seeing that which is lost must have been of like nature, we may for discourse sake, presume it to have been the same in *Israel*, as in *Rome*. And when *Samuel* had caused all the Tribes of *Israel* to come near, the Tribe of *Benjamin* was taken. That is, the name of this Tribe being drawn out of the one urne, unto it was drawn the word *prerogative* out of the other urne; which being done, the urnes were changed, or at least, the lots: and whereas in the enumeration of the Patriarches, I shewed

V. 20.
The Prerogative
Tribe

shew'd by catalogue of their names, that the whole Tribe* of *Benjamin* consisted of seven families ; seven names by that account, should have been cast into the one urne, and as many lots into the other ; one of them being inscribed with the word *Prerogative*, and the other six being blanks. But both the names, and the number of families at this ballot, are most likely to have been quite otherwise then in the catalogue ; because since that time the *Judg. 20. 2.* Tribe of *Benjamin* had in the far greater part been destroyed, and pieced up again out of a remnant : so for the number of the families, or the names of them, I can say nothing. But the urnes being thus prepared, came *Benjamin*, as now the *Prerogative* Tribe, unto the urnes by families. And when *Samuel* had caused the Tribe of *Benjamin* to come near by their families, the family of *Matri* (which is a new one) was taken : that is, lighting in the manner shewn, upon the prize, became the *Prerogative* family. This done, the lots were again changed, and so many other, as there were households in the family of *Matri*, (for *Josh. 7. 14,* so you will find it in the tryal of *Achan*) *16, 17, 18.*

K

were

were cast into the urnes. Thus the household of *Kish* coming to be the prerogative-household, and so many lots as there were men of that household, being cast into the urnes, whereof the prize was inscribed *King*; came the household of *Kish*, man by man, and *Saul the Son of Kish was taken*.

Sect. 8. We find it recorded by *Livy*, of *Tarquinius Priscus*, and of *Servius Tullius*, that before either of them was King, the one had his hat taken off, and carried up by an Eagle; the other a flame sitting upon his forehead: by which it was firmly believed, that each of them was designed of the Gods to be King: yet was this never so understood by themselves, or any other, as to exclude the right of popular suffrage in their election, by which *Priscus* reigned; or to create an opinion that any man ought to be King of *Rome*, whom the people had not first commanded to reign over them: to whose election therefore, *Servius*, though in possession of the throne, thought it his best way to refer himself. Far be it from me to compare prodigies among heathens, to miracles.

That miraculous designation of Magistrates in a Commonwealth, was never understood to exclude the free suffrage of the people in their election.

cles in the Church: But each people had of each like opinion. Both Israel and the Heathens began their popular assemblies with sacrifice. In order unto the election of *Solomon*, the representative of Israel *sacrificed sa-* I Chr. 29.
crifices unto the Lord---even a thousand 21, 22.
bullocks, a thousand rams, and a thou-
sand lambs, with their drink-offerings,
and sacrifices in abundance, for all Is-
rael. And when they had thus done, what Magistrates soever the Israelites, or the heathens elected, they always understood to be elected by God. *The lot is cast into the lap, but the whole* Pro. 16. 33.
disposing thereof is of the Lord. And indeed, whereas in this manner *they made Solomon king, and Zadoc to be priest,* if we will hold otherwise, we must think, that neither the King nor the Priest was elected by God. A man that is elected unto some great office, by a king rightly qualify'd, must have little religion, or hold himself to be raised up by God. Why then should it be otherwise, when a Magistrate is elected by a people rightly qualify'd? or what consequence is there in saying, that *Saul* was anoynted by *Sa-*
muel, before he was elected by the

Deut. 17.
15.

Judg. 10.
17.
Judg. 11.
5, 11.

people : or that God raised them up Judges ; therefore neither *Saul* nor the Judges were elected by the people ? That God elected the Kings in Israel, is certain ; and that the people no lesse for that, did also elect the Kings, is as certain. *One from among thy brethren shalt thou* (that is, thou, the people of Israel) *set king over thee.* That God raised up Judges in Israel, is certain ; and that the people no lesse for that, did also elect the Judges, is as certain. When the children of *Ammon* made war against Israel, Israel *assembled themselves together, and encamped in Mizpeh,* whence the elders of Gilead went to fetch *Jephtha* out of the land of *Tob.*--- Then *Jephtha* went with the elders of Gilead, and the people made him head, and captain over them : and *Jephtha* uttered all his words before the Lord in *Mizpeh.* But that *Solomon* was elected by the lot, I do not affirm ; it being most probable, that it was by suffrage onely, *David* proposing, and the people resolving. Nor whether *Jephtha* were elected by suffrage, or by the ballot, is it material. Howbeit, that the ordinary Magistrates were elected by

by the ballot, I little doubt.

The ordinary Magistrates of this Sect. 9. Commonwealth (as shall hereafter be more fully opened) were the Sanhedrim, or the seventy Elders; and the inferior courts or Judges, in the gates of the cities. For the institution, and election of these, *Moses* proposed unto the people, or the congregation of the Lord, in this manner. Take ye wise men, and understanding, and known among your Tribes, (*קִטְנֵי חָכְמָה וְנִיכָנִים בְּשִׁבְטֵיכֶם*) and I will make (or constitute) them rulers over you. Where, by the way, lest *Moses* in these words be thought to assume power, *Solon*, saith *Aristotle*, (*ἐκ κοινῆς κατασκευῆς*) made, or constituted the popular government of *Athens*. In which he implyeth, not that *Solon* was a king, or had sovereign power, but that he was a lawgiver, and had authority to propose unto the people. Nor is there more in the words of *Moses*; upon whose proposition, say Jewish writers, each of the twelve Tribes, by free suffrages, elected six competitors, and wrote their names in scrolls, which they delivered unto *Moses*. *Moses* having thus presented unto him, by

Election of
Senators
and Judges
of inferior
courts.

Deut. I. 13.

the twelve Tribes, seventy and two competitors, for seventy Magistracies, had by consequence, two more competitors, then were capable of the preferment whereunto they were elected by the people : Wherefore *Moses* took two urns; into the one, he cast the seventy two names presented by the people; into the other, seventy two lots, whereof two were blanks, the rest inscribed with the word *Elder*. This done, he called the competitors unto the urn, where the seventy, unto whose names came forth the prizes, went up unto the tabernacle, the Session-house being there provided; and the two that drew the blanks, namely, *Eldad*, and *Medad*, though of *them that were* elected, and *written* by the Tribes, *went not up unto the Tabernacle, but remained in the camp*; as not having attained unto Magistracy. Thus, if this place in Scripture admit of no other interpretation, so much as I have cited out of the *Talmud*, (though otherwise, for the most part, but a fabulous and indigested heap) must needs be good, and valid. In this manner, one or more Senators happening to dye, it was easie for each

See Num.
11. 26.

each Tribe, choosing one, or more competitors, accordingly, out of themselves, to decide at the urn, which competitor so chosen, should be the Magistrate, without partiality, or cause of feud; which, if a man consider this constitution, was not perhaps so readily to be done otherwise. The like, no doubt, was done for the inferiour courts, save that such elections (the Commonwealth being once settled) were more particular, and performed by that Tribe only, in whose gates that court was sitting.

The first institution of these courts Sect. 10. came to passe in manner following. *The story of* Before the people were under orders, *the Sanhedrim, and* the whole Judicature lay upon the *of the inferior Courts,* shoulders of Moses; who being over-*as to their* burdened, was advised by Jethro. *And* *Moses hearkened unto the voice of his first institution.* *father in law-- and chose (after the* manner shewn) *able men out of all Is-* Exod. 18. 24, 25. *rael, and made them heads over the* people, rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens. The number of which rulers, compared with the number of the people, as in the muster-roll at Sinai, must in all have amounted to about six

K 4 thou-

Deut. 16.
18.

Exod. 18.
22.

Num. 11.
14, 16.

thousand. These thus instituted, while Israel was an Army, came to be the same, when the army was a Commonwealth; whereof it is said, *Judges and officers shalt thou make thee in all thy gates, which the Lord thy God giveth thee, throughout thy Tribes; and they shall judge the people with just judgment.* Each of these courts, by the practice of the Jewish Commonwealth, consisted of twenty three Elders. But Jethro in his advice to Moses, addeth concerning these judicatories, this caution; *Let them judge the people at all seasons: and it shall be, that every great matter they shall bring unto thee, but every small matter they shall judge:* So shall it be easier for thy self, and they shall bear the burden with thee. Which nevertheless follow'd not according to Jethro's promise, the appeales being such to Moses, that he goes with this complaint unto God: *I am not able to bear all this people alone, because it is too heavy for me.* Whereupon the Lord said unto Moses, *Gather unto me seventy men, of the Elders of Israel, whom thou knowest to be Elders of the people, and officers over them; and bring them unto the Tabernacle of the congregation,*
that

that they may stand with thee-- (but Crownes will have no rivals)-and they shall bear the burden of the people with thee, that thou bear it not alone. (But a Monarch is one that must be alone.)

And Moses went out, and told the people the words of the Lord, (which a Monarch needed not to have done) and gathered the seventy men of the Elders of the people. The manner whereof is already shewn. Jethro being an heathen, informeth Moses of the orders of his own Commonwealth, which also was heathenish. Yet in Scripture, is both Jethro joyned with Moses, and the Commonwealth of Midian with the Commonwealth of Israel. How then cometh it to be irreverent, or Atheistical, as some say, in Politicians, (and while political discourses can, no otherwise be managed) to compare (though but by way of illustration) other Legislators, or Politicians, as *Lycurgus*, *Solon*, with *Moses*; or other Commonwealths, as *Rome*, and *Venice*, with that of *Israel*? But the authours of like objections, had better have minded, that the burden *Moses* here complained of, could in no wise
be

V. 24.

be that of ordinary Judicature, of which he was eased before, by the advice of *Jethro*; and therefore must have been that of appeales onely: so either the Sanhedrim bore no burden at all with *Moses*, or they bore that of appeales with *Moses*. And if so, how say they that there lay an appeal from the seventy Elders to *Moses*?

Sect. 11.
Lot Ordet,
or inquisi-
tion by Lot.

Deut. 13.
12, &c.

But I said the Lot was of use also to- ward the discovery of concealed male- factors. Of this we have an example in the detection of *Achan*. The words of the law whereby the fact of *Achan* was criminal, are these: *If thou shalt hear say in one of thy cities, which the Lord thy God hath given thee, to dwell therein, saying, Certain men, the children of Belial, are gone out from among you, and have withdrawn the inhabitants of their city, saying, Let us go and serve other gods, which ye have not known: then shalt thou enquire, & make search, & ask diligently: and behold, if it be truth, and the thing certain, that such abomination is wrought among you; thou shalt surely smite the inhabitants of that city with the edge of the sword, destroying it utterly, and all that is therein, and the cattel thereof with the edge of the sword. And thou shalt gather all the spoil of it into the midst*

midst of the street thereof, and shalt burn with fire the city, and all the spoil thereof, every whit, for the Lord thy God: and it shall be an heap for ever, it shall not be built again, and there shall cleave nought of the accursed thing unto thine hand. Among the cities that

were given by God unto Israel, was

Jericho. Now though against this city, before it was taken, Joshua had solemnly, and publicly, denounced the

Josh. 6. 17.

Anathema, or curses, contained in the

foregoing law; and after the taking

of it, had in all appearance, executed

upon it the whole of the Anathema

so pronounced: Yet through subse-

quent losses before the city of Ai, be-

ing sore afflicted, he entered into suspi-

cion, that there might have been some

failures in the performance of the law.

Whereupon he rent his clothes, and fell

Josh. 7. 6.

to the earth upon his face, before the

Ark of the Lord, untill the even-tide,

he, and the Elders (or Sanhedrim of

Israel,) and put dust on their heads.

The Sanhedrim, in difficult cases of

the law, enquired of God by Urim,

and the Sanhedrim, or the people, in

(*rebus arduis*) cases of high concern-

ment to the State, as in the war against

Ben-

Benjamin, enquired of the Ark. When God was enquired of by Urim, he gave his oracle by the shining of certain stones, or jewels, in the breastplate of the high priest. When he was enquired of by the Ark, he gave his oracle vocally, from the Mercy-seat, which was placed upon the Ark of the Covenant. Whence, he who sat between the cherubims, thus an-

Josh. 7. 10. swered *Joshua*: *Get thee up; wherefore liest thou thus upon thy face? Israel hath sinned,-- they have even taken of the accursed thing.* *Joshua* thus informed of the crime, but not so particularly of the malefactor, as to know

Josh. 7. 17. where to charge it, calleth the whole people unto the urnes; in one of which it may be thought that there were eleven white stones, or lots, with one black one; and in the other, the twelve names of the Tribes. So *Israel* coming first by Tribes unto the urns, the *Tribe of Judah* was taken; that is, this Tribe, lighting upon the black lot, was denoted for the Guilty Tribe. Which consisting (as appeared by the catalogue) of five families, whereof the *Zarhites* were one, came next by families unto the urne; wherein there

there might be four vvhite lots, and one black, by which the *Zarhites* were taken. In like manner, came the family of the *Zarhites*, by households, and the household of *Zabdi* was taken: last of all, came the household of *Zabdi*, man by man, and *Achan* was taken. This kind of inquisition vvas performed with such religion and solemnity, that a man thus taken, if he had any guilt, could have no face to conceal it; or if there were any witnesses of his crime, they could not any longer dissemble it: and vvhether he were convict by testimony, or by his own confession (as now *Achan*) he was put to death. The like proceeding, in part, is imply'd to have been in the case of *Jonathan*; though 1 Sam. 14. in this, by agreement thereupon, between *Saul* and the people, it should seem as if but two lots were put into the urne, whereof *Saul* and *Jonathan*, on the one part, drew the black; or the Prince of the Tribe of *Judah*, drawing for the whole people, on the other part, drew the vvhite one: and that the same being put into the urne again, to decide it between *Saul* and *Jonathan*, *Jonathan* drew the black; where-

whereupon, he being questioned, confessed the fact; and, but that the people rescued him from *Saul*, had been put to death.

Sect. 12. To conclude vvith the use of the
Distribution of lands,
and Agrarian lawes
in Israel, lot, in the division of the land of *Ca-*
naan. This (as implying the founda-
 tion, or balance of the government) ought to have been the first in order,

but happeneth here to come last; for that these orders were instituted in the vvildernesse, and so before the people had any lands to divide. Nevertheless, this also was proposed by *Moses*, and resolved by the people. *Josh. 14. 2.* *By lot was their inheritance, as the Lord commanded Moses; and now cometh, as it was, or should have been put in execution by Joshua, to be considered.*

It may be true, that the *Roman* people were the wisest that have been; and it is true, that they onely of a people, did labour to introduce *Agrarian* lawes, though without effect. Otherwise, levelling vv as never introduced, but by the wisdom, and providence of some great man, as a *Moses*, a *Joshua*, or a *Lycurgus*; or by some accident, or accidents, bringing a nobility

ty unto ruine, as the lawes of *Hen. 7.*
and the vvays of *Henry the 8th* in
England.

Between the muster-roll in *Sinai*, *Num. 1. 46.*
vvhereby the men of military age, as *Num. 26.*
vvas shewn, amounted to six hundred ^{51.}
and three thousand five hundred and
fifty, in the twelve Tribes; and the
law for division of the land of *Canaan*,
there happened a plague; by vvhich,
the number of the people, upon a new
poll, came but to six hundred and one
thousand seven hundred and thirty.
Upon this poll was the law made,
vvhich runneth thus: *Unto these the*
land shall be divided for an inheritance,
according to the number of names. To
many, thou shalt give the more inheri-
tance; and to fewer, thou shalt give the
lesse inheritance: to every one shall his
inheritance be given, according unto
those that were numbred of him. Not-
withstanding, the land shall be divided
by lot: according to the names of the
Tribes of their fathers, they shall inhe-
rit; according to the lot, shall the pos-
session thereof be divided, unto many,
and few. This law, in another place,
is repeated thus: Yee shall divide the
land by lot, for an inheritance among
your

v. 53.

54.

55.

56.

Num. 33.

54.

whereupon, he being questioned, confessed the fact; and, but that the people rescued him from *Saul*, had been put to death.

Sect. 12.

*Distribution
of lands,
and Agrar-
ian lawes
in Israel.*

To conclude vvith the use of the lot, in the division of the land of *Canaan*. This (as implying the foundation, or balance of the government) ought to have been the first in order, but happeneth here to come last; for that these orders were instituted in the vvilderneffe, and so before the people had any lands to divide. Nevertheless, this also was proposed by *Moses*, and resolved by the people. *By lot was their inheritance, as the Lord commanded Moses*; and now cometh, as it was, or should have been put in execution by *Joshua*, to be considered.

Josh. 14. 2.

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Tribes of their fathers, they shall inhe-
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session thereof be divided, unto many,
and few. This law, in another place,
is repeated thus: Yee shall divide the

land by lot, for an inheritance among
your

v. 53.

54.

55.

56.

Num. 33.

54.

your families ; and to the mo, you shall give the more inheritance, and to the fewer, ye shall give the lesse inheritance : every mans inheritance shall be in the place where his lot falleth, according to the Tribes of your fathers ye shall inherit.

In the making of these lots, consideration was as well had of the goodnesse of the land, as of the measure. Now supposing this law to have been in the vvhole, and methodically executed, the *Canaanites* must first have been totally rooted out of the land of *Canaan* ; which land, in that case (as some affirm) vvhould have afforded unto this Commonwealth a root, or balance, consisting of *three millions of acres*. These, reckoning the whole people in the twelve Tribes, at six hundred and two thousand, (which is more then upon the later poll they came to) would have afforded unto every man four acres ; to every one of the Patriarches (upon the poll of the foregoing catalogue, where they are sixty one) four thousand acres : to every one of the Princes of the Tribes, fourteen thousand acres : to the Levitical cities (being forty eight, each

Hecateus
apud Jo-
seph. cont.
Ap.

each with her suburbs, of four thousand cubits diameter) one hundred thousand acres ; and yet for extraordinary donations , as to *Joshua*, and *Caleb*, (of which kind there were but few) some eighty thousand acres might remain. Now it is true, four acres to a man may seem but a small lot ; yet the *Roman* people, under *Romulus*, and long after, had but two : and it may very well be, that one acre in *Canaan*, was worth two in *Italy*, especially about *Rome* ; and four in *England*, though of the best sort : and if so it were, that four acres in *Palestine* were worth sixteen of our best ; such a lot, at our account, might be worth some thirty or forty pounds a year ; which for a popular share, holding that rate through the whole body of a people, was a large proportion. By this estimate, or what possibly could be allow'd unto the princes of the Tribes, and of the families, their share came not unto a sixth of the whole: so the rest remaining unto the people, the balance of this government must have been purely popular. It is true, that in the whole, this law of *Moses* for the division of the land,

I.

was

vvas never executed. But that in the parts, some like course was taken, is plain ; for example, in the division unto seven Tribes, vvh^{ere} Joshua proposeth unto the people in this manner : *Give out from among you three men for each Tribe--- and they shall go through the land and describe it.* The people having resolved accordingly, these went, and passed through the land, and described it by cities, into seven parts, in a book, and came again to Joshua, to the host at Shiloh. And Joshua cast lots for them in Shiloh, before the Lord : and there Joshua divided the land unto the children of Israel according to their divisions. It were absurd to think that this lot determined of proportions; for so a mean man might have come to be richer then the Prince of his Tribe ; but the proportions allotted unto Tribes, being stated, though at first but by guesse, and entred into the lot-book of the surveyours, (vv^{ho}, saith *Josephus*, were most expert in Geometry) the Princes came first unto the urnes, whereof the one contained the names of the Tribes that vv^{ere} to draw ; the other, the names of those parcels of land that

that vvere to be drawn first unto a vvhole Tribe. Thus the name of a Tribe, for example, *Benjamin*, being drawn out of one urne, unto that name a parcel vvas drawn out of the other urne; for example, the country lying between *Jericho* and *Bethaven*. This being done, and the Prince of the Tribe having chosen in vvhhat one place he would take his stated and agreed proportion, vvhether of fourteen thousand acres, or the like; the rest of the Country vvas subdivided in the lot-book, according to the number of families in the Tribe of this Prince; and the parcels subdivided, being cast into the one urne, the names of the Patriarches into the other, the same Tribe came again by families: thus every Patriarch making choice in vvhhat one part of this lot he vwould take his agreed proportion, vvhether of four thousand acres, or the like; the remainder vvas again subdivided in the lot-book, according to the number of names in his family: if they vvere more then the parcel vwould furnish, at four acres a man, then vvas that defect amended by addition out of the next parcel:

L 2

and

and if they were fewer, then the over-plus vvas cast unto the next parcel. By such meanes the people came, or might have come, in the whole, and in every part, unto the lot of their inheritance; vvhile every Tribe that was thus planted, became Local, without

Num. 36. 3. *remove. Neither shall the inheritance remove from one Tribe to another Tribe; but every one of the Tribes of the children of Israel, shall keep himself to his own inheritance.*

Sect. 13. *The Tribes thus planted, or to have been planted, vvere twelve. The*
The Portion of Levi.

thirteenth, or that of *Levi*, came in like manner unto the lot, for their

Josh. 21. 4, 5, 6. *forty eight cities, vvith their suburbs, and received them accordingly; as*

Num. 18. *the lot came forth for the families of*

20. *the Kohathites, and the rest. These*
 Deut. 10. 9. *Israel gave unto the Levites out of*

Deut. 18. 1. *their inheritance; that is, these vvere*

such as the twelve Tribes, before di-

vision, set apart for the Levites, vvith

the Tythes, and the Offerings: which

though this Tribe had no other lands,

made their portion by far the best.

The Tribes being henceforth reckon-

ed by their locality, and these forty

eight cities being scattered through-

out

out the twelve Tribes, that of *Levi* was no more computed as a distinct Tribe, but lost, as it were, the name, yet with advantage : for unto their promiscuous abode, they had the right of promiscuous marriage ; no more in this point, being enjoined any of them, then *to take maidens of* Ezek. 44.
the seed of Israel, or at least *the wi-* 22.

dows of Priests. And as in the Tribes where they dwelt, they had promiscuous marriage, so had they right of promiscuous election ; that is, of electing, and being elected, into all the magistracies and offices of the Commonwealth ; which they so frequently enjoy'd, that the Sanhedrim is sometimes understood by their names.

If there arise a matter too hard for Deut. 17. 8
thee in judgment, thou shalt come unto the Priests the Levites. Between the law, and the religion of this government, there was no difference ; whence all Ecclesiastical persons were also Political persons, of which the Levites were an intire Tribe, set more peculiarly apart unto God, the king of this Commonwealth, from all other cares, then that onely of his government. Thus *Moses* did that

with the safety of liberty in Israel, which *Lycurgus* could not do in *Lacedemon*, but by condemning the *He-lots* unto perpetual slavery: for whereas without these to be tillers of the ground, the citizens of *Lacedemon* could not be at leisure for the Commonwealth; the children of Israel might employ themselves in their domestick affaires, as they required, with safety, while the Levites bore the burden of the government; or in case either their private affaires permitted, or their ambition prompted, were equally capable of Magistracy.

Sect. 14.
Cities of
Refuge.
Num. 35.

Of the Levitical cities, three beyond, and three on this side *Jordan*, were cities of refuge. If a man were slain, the next of kindred, by the laws of Israel, was the Avenger of blood; and unto the avenger of blood it was lawfull to slay him that slew his kinsman, where ever he could find him, except only in a city of refuge. For this cause, if a man had slain another, he fled forthwith unto one of these Sanctuaries: whence nevertheless, the Judges in the gates, within whose proper verge the crime was committed, caused the malefactor to be

be brought before them, by a guard, and judged between the slayer, and the avenger of blood. If that which we call murder, or man-slaughter, were proved against him by two witnesses, he was put to death: but if it were found, as we say, Chance-medley; he was remanded with a guard unto the city of refuge: whence, if before the death of the high Priest, he were found wandring, it was lawfull, not onely for the avenger of blood, but for any man else, to slay him. The high Priest being dead, he returned not home onely; but to his inheritance, with liberty and safety. If a priest had slain a man, his refuge was the Sanctuary: whence neverthelesse, he was taken by the Sanhedrim; and, if upon tryal, he were found guilty of wilful murder, put to death. *If a man come presumptuously upon his neighbour, to slay him with guile, thou shalt take him from mine altar, that he may dye.* Exod. 21. 14.

Inheritances, being thus introduced by the lot, were immoveably intayled upon the proprietors, and their heires for ever, by the institution of the Jubilee; or the return of lands how

ever sold, or ingaged, once in fifty yeares, unto the ancient proprietor, or his lawful heire. Yet remained there two vvayes, whereby lots might be accumulated; the one, by casual inheritance; the other, by marriage with an heiress: as in the case of

Num. 36. *Zelophehad*, or of his daughters.

Sect. 16. Now to bring the whole result of these historical parts, thus proved, unto the true Political method, or form; the Commonwealth instituted by *Moses*, was of this Model.

*The Model
of the Com-
monwealth
of Israel.*

The whole people of Israel, through a popular distribution of the land of Canaan among themselves by lot, and a fixation of such popular balance, by their Agrarian law, or Jubile, entayling the inheritance of each propertee upon his heirs for ever, was Locally divided into twelve Tribes.

Every Tribe had a double capacity; the one military, the other civil.

A Tribe in her military capacity, consisted of one Staff, or Standard of the camp, under the leading of her distinct and hereditary Prince, as commander in chief; and of her
Prin.

Princes of families, or chief fathers, as captaines of thousands, and captaines of hundreds.

A Tribe in her political capacity, was next and immediately under the government of certain Iudicatories, sitting in the gates of her cities; each of which consisted of twenty three Elders, elected for life, by her free suffrage.

The Sovereign power, and common ligament of the twelve Tribes, was the Sanhedrim of Israel, and the (Ecclesia Dei) or congregation of the Lord.

The Sanhedrim was a Senate, consisting of seventy Elders, for life; so instituted, by the free election of six competitors, in and by each Tribe; every Elder or Senator of the Sanhedrim, being taken out of this number of competitors, by the lot.

The congregation of the Lord, was a representative of the people of Israel, consisting of twenty four thousand, for the terme of one moneth; and perpetuated by the monethly election of two thousand deputies of the people, in each Tribe.

The Sanhedrim, upon law made,
was

was a standing Iudicatory of appeal from the courts in the gates, throughout the Tribes; and in law to be made, whatever was proposed by the Sanhedzim, and resolved in the affirmative by the Congregation of the Lord, was an Act of the Parliament of Israel.

Deut. 4. 5,
6.

Of this Frame, saith Moses unto the people, as well he might: *Behold, I have taught you statutes and judgments, even as the Lord my God commanded me, that ye should do so in the land whither you go to possesse it. Keep therefore, and do them: for this is your wisdom, and your understanding in the sight of the nations, which shall hear all these statutes, and say; Surely this great nation is a wise and understanding people. In another places, upon the peoples observing this form, he pronounceth all the choicest blessings; and in case of violation of the same, a long enumeration of most dreadfull curses, amongst which he hath this: The Lord shall bring thee, and thy king which thou shalt set over thee, unto a nation, which neither thou, nor thy fathers have known, and there*
— *shalt*

Deut. 28.
36.

shalt thou serve other gods, wood and stone. In which words, first he chargeth the king upon the people, as a creature of their own; and next, opposeth his forme, point-blank unto Monarchy: as is farther apparent in the whole Antithesis running throughout that Chapter. To the neglect of these orders, may be apply'd those wordsof *David*: *I have said that ye are gods-- but ye shall dye like men, and fall like one of the Princes*. But this government can with no countenance of reason, or testimony of story, give any man ground to argue from the frame thus instituted by *Moses*, that a commonwealth, rightly ordered, and established, may by any internal cause, arising from such orders, be broken, or dissolved; it being most apparent, that this was never established in any such part, as could possibly be holding. *Moses* dyed in the wilderness; and though *Joshua*, bringing the people into the promised land, did what he could, during his life, towards the establishment of the form designed by *Moses*; yet the hands of the people, especially after the death of *Joshua*, grew slack, and they rooted not out
the

the *Canaanites*, which they were so often commanded to do ; and without which, it was impossible that their Commonwealth should take any root. Nevertheless, settled as it could be, it was in parts longer lived, then any other government hath yet been ; as having continued in some sort, from *Moses*, unto the dispersion of the *Jewes*, in the reign of the Emperour *Adrian* ; being about one thousand seven hundred yeares. But that it was never established according unto the necessity of the forme, or the true intent of *Moses*, is that which must be made farther apparent, throughout the sequel of the present book ; and first, in the state of the Israelites under their Judges.

CHAP.

CHAP. III.

Shewing the Anarchy, or State of the Israelites under their Judges.

THe frame of that which I take Sect. 1. to have been the ordinary con- *A full description of the Representative of the people of Israel,* is not perfectly shewn in Scripture, till the time of *of the people of Israel* David; when, though it have nothing in it of a Monarchical institution, it ^{el.} is found intirely remaining, and perfectly described in these words: *Now* ^{1 Chr. 27.} *the children of Israel after their number, to wit, the chief fathers, and captains of thousands, and hundreds, and their officers that served the king, in any matter of the courses, which came in, and went out, moneth by moneth, throughout all the moneths in the year; of every course, were twenty and four thousand men.* The polls of the people, as they have been hitherto shewn, were taken before their plantation in *Canaan*, where ere they had kings, they had

Acts 13.
20.

2 Sam. 24.
9.

1 Chr. 29.
22.

had grown (according to the account of *Paul*) *four hundred and fifty years* ; during which time, that they were exceedingly increated, appeareth by the poll of military age, taken by *David*, and amounting unto one million three hundred thousand: yet could this assembly of *the children of Israel after their number*, in one year, by monethly rotation, take in the whole body of them. How these, being a representative of the people, and thus changeable, could be otherwise collected, then by the monethly election of two thousand in each Tribe, is not imaginable. And that both a representative of the people they were, and thus changeable, is by the clear words of Scripture, and the nature of the businesse upon which occasion they are described, undeniably evinced: for *David* proposing, and the people resolving, they make *Solomon* King, and *Zadoc* Priest. This assembly (besides the military discipline thereof, in which it differed little from the customes of such other Commonwealths, as have been great and martial) had not onely a civil, but a military office or function, as the standing

ing guard, or army of this country : which, though small, and lying in the very teeth of her enemies, could thus, by taking every man in but for one moneth in a vvhole year, so equally distribute a burden, to have been otherwise intolerable unto all, that it might be borne by a few, and scarce felt by any one. This epitome of that body, already described, under the leading of the several Princes of the Tribes, with their Staves, and Standards of the camp, seemeth to have been commanded by Lieutenants of the Princes, or Tribunes of the respective Tribes. For, *Over the first course* v. 2. *for the first moneth, was Jashobeam the* 3. *son of Zabdiel (of the children of Perez, or of the family of the Pharzites, in the catalogue of Judah) and of his course, were four and twenty thousand.*

In this case, the Princes did not lead in person, but resided in their Tribes, for the government of the same ; whence, upon extraordinary occasions, they sent extraordinary recruits ; or in case of solemn war, or some weighty affair, as the tryal of a Tribe, or the like, led up in person ;
with

with their Staves, and Standards : an ordinance, whether we regard the military or civil use of it, never enough to be admired.

- That this representative was used in the time of the Judges.
- Señt. 2. It is true, while the whole people being an army, *Moses* could propose to them in body, or under their Staves, and Standards of the camp ; as he needed not, so he used not any representative. But when *Joshua* had let the people go (and) the children of *Israel* went every man unto his inheritance, to possesse the land ; how was it possible they should possesse any thing, while the five Lords of the *Philistims*, and all the *Canaanites*, and the *Sidonians*, and the *Hivites*, remained yet among them unconquered ; without the wing of some such guard or army as this, under which to shelter themselves ? How was it equal, or possible, that a few of the people upon the guard of the whole, should be without relief, or sustain all the burden ? Or how could every man be said to go unto his inheritance, to possesse it, unlesse they performed this, or the like duty, by turnes or courses ? These things considered, there is little doubt, but this congregation was ac-
- Judg. 2. 6.
- Judg. 3. 3.
- cor-

ording unto the institution of *Moses*,
and put in ure by *Joshua*.

Thus stood both the Sanhedrim, Sect. 3.
and the congregation, with the infe- *The dissolution of the*
rior courts, and all the superstructures *Mosaical*
of the Mosaical Commonwealth, du- *Common-*
ring the life of *Joshua*, and the Elders *wealib.*
of the Sanhedrim, that out-lived him ;
but without any sufficient root for
the possible support of it, (the *Canaa-*
nites not being destroyed) or with
such roots onely, as were full of
wormes. Wherefore, though *the peo-* *Judg. 2.*
ple served the Lord all the dayes of Jo-
shua, and all the dayes of the Elders *7, 11.*
that out-lived Joshua ; yet after the
death of these, they did evil in the
sight of the Lord. And an angel (a *Judg. 2.*
messenger or Prophet) of the Lord, *1, 2.*
came up from Gilgal to Bochim, and
said, I made you go up out of the land
of Egypt, and have brought you into
the land which I sware unto your fa-
thers ; and I said, I will never break
my covenant with you. And ye shall *Deut. 7. 2.*
make no league with the inhabitants of *12. 2.*
this land, ye shall throw down their al-
tars : but ye have not obey'd my voice ;
why have you done this ? Wherefore I *Josh. 23. 3.*
also said, I will not drive them out from

M

before

Exod. 23. before you : but they shall be as thornes
 33. in your sides, and their gods shall be a
 34. 13. snare to you. Upon the several con-
 Antiq. l. 5. tents of which places, saith Josephus,
 c. 2. The Israelites (after the death of Jo-
 shua, and the Elders that out-lived him)
 neglecting their armes, betook them-
 selves unto tillage ; and effeminated with
 peace, gave their minds rather to what
 was easie and pleasing, then what was se-
 cure or honourable : forgetful of the
 lawes of God, and of their discipline.
 Whereupon, God being moved unto anger,
 admonished them by a Prophet, that in
 sparing the Canaanites, they had diso-
 beyed him ; and that in case they per-
 sisted, for his mercies neglected, they
 should taste of his justice. But they,
 though terrify'd with the oracle, were
 altogether averse unto the war, both
 because they were bribed by the Canaa-
 nites, and through luxury, were be-
 come unapt for labour : the form of
 their Commonwealth being now deprav-
 ed, and the Aristocratical part there-
 of invalid : while neither the Senate was
 elected, nor the solemn Magistrates
 created as formerly. In which words,
 the not electing of the Senate, as
 formerly, being laid as a crime by Jo-
 sephus,

sephus, unto the people ; he is first clear enough for his part, that the Senate was formerly elected by the people, and ought to have been so still. And secondly, that henceforth the election of the Senate, or Sanhedrim, was neglected by the people. So this Commonwealth, which through the not rooting out of the *Canaanites*, had never any foundation; came now to fail also in her superstructures : for proof whereof, the testimony of Scripture is no lesse pregnant, in divers places. *As where* Judg. i. 3.
Judah said unto Simeon his brother, 27,
Come up with me into my lot, that we 29,
may fight against the Canaanites, and I &c.
likewise will go with thee into thy lot.
So Simeon went with him. In which words, you have a league made by two Tribes, and a war managed by them, while other Tribes, that is, *Ephraim*, *Manasseh*, with the rest, sat still : whereas, if there had been now any common ligament, as while the Sanhedrim was in being ; such leaguings, and such warring by particular Tribes, at their own discretion, could not have been. Again, whereas to judge a Tribe appertained unto the Sanhedrim,

Judg. 20. drim ; in the judgment given against *Benjamin*, by the congregation of four hundred thousand, there is no mention of the Sanhedrim at all.

Sect. 4. Now government is of such nature, *No King*, that where there is no Senate, there *some Senate*, must be some king, or somewhat like *no Senate*, a king ; such was the Judge of *Israel*, *some King*.

Calavius yet is not their reckoning valid, that *apud Livi-* from hence compute the Monarchy of *um*, the *Hebrews*. First, because *Paul* distinguisheth between the Kings and *Act 13*, the Judges. Secondly, because *Gideon*, when he was Judge, in refusing to be King, doth the like. Thirdly, because the Judges in *Israel* (as Dictators in other Commonwealths) were not of constant election, but upon emergencies only. Fourthly, because complaint being made unto the men of *Judah*, of their Judge *Samson*, they deliver'd him unto the *Philistims*, bound ; no lesse then did the *Romans* their Consuls unto the *Samnites*. And lastly, because *Samuel* distinguishing to perfection, between Dictatorian, and Royal power ; or between the Magistracy of the Judge, and of the King ; sheweth plainly (in that he *hearkened unto the voice of the* *peo-*

Judg. 15.
13.

people) that the one being without any balance at all, was at the discretion of the people; and that the other (not to be founded but upon propriety in himself; to which end, he must *take the best of their fields, and give them unto his servants*) could no otherwise subsist, then by having the people at the discretion of the King. This difference (being no small one) excepted, the office of the King, and of the Judge, was much at one; each consisting in judging the people, and going forth with their armies.

But what ever be the difference between these Magistracies, the State of the Israelitish Commonwealth under the Judges, was both void of her natural superstructures, and of her necessary foundation; so the *Israelites*, when they were weak, served the *Philistims*, as is imply'd in the speech of the men of *Judah*, unto their Judge: *Knowest thou not, that the Philistims are rulers over us? -- And it came to passe when Israel was strong, that they put the Canaanites to tribute, and did not utterly drive them out.* Which, as it was contrary unto the command

Sect. 9.
Befognia
vezzar o
spegnere.

Judg. 15.
11.

Livy.

of God, so was it point-blank-against all prudence. For thus neither made they unto themselves friends, nor ruined they their enemies: which proceeding, as it fared with this Commonwealth, and was observed by *Herennius*, in that of the *Samnites*, is to the certain perdition of a people.

Sect. 6. Of the disorder of this people, upon the dissolution of the Mosaical Commonwealth, it is often said, that *there was no king in Israel: every man did that which was right in his own eyes*. That is, at the times related unto by these expressions; there was neither Sanhedrim, nor Judge in Israel: so every man, or at least, every Tribe, governed her self as she pleased. Which neverthelesse, is not so generally to be understood; but the Tribes (without either Judge or Sanhedrim) marching up with their Standards, and Staves of the camp, not onely assembled the congregation in the usual place, at *Mizpeh*, but there condemned *Benjamin*, for the rape of the Levites concubine: and marching thence to put their decree in execution, reduced that obstinate

Judg. 20.

The Assembly of Israel

Judg. 17. 6

18. 1.

19. 1.

21. 25.

nate Tribe; or rather, destroyed it by a civil war.

When in this, and divers other Sect. 7.
 wayes, they had pamper'd their ene- ^{The rise of}
 mies, and exhausted themselves; they ^{the Hebrew}
 grew (as well they might) out of love ^{Monarchy.}
 with their policy: especially when
 after impious expostulation (*Where- 1 Sam 4.3.*
fore hath the Lord smitten us this day
before the Philistims?) they had as it
 were, staked their God, (*let us fetch*
the ark--- that it may save us) and the
 ark being taken by the enemy, they ^{1 Sam. 7.3.}
 they fell to Idolatry. To this it hap-
 pened, that though upon repentance,
 successe was better, God having mira-
 culously discomfited the *Philistims*
 before them: Yet *Samuel* their
 Judge was old (and had made his two
 sons, being *takers of bribes, and per-*
verters of judgment) Judges over Is-
 rael. Whereupon, there was no nay,
 but a King they must and would have.

CHAP. III.

*Shewing the State of the Israelites
under their Kings, to the capti-
vity.*

SECT. 1. *The Method of this part.* **F**OR Method in this part, I shall first observe the balance or foundation, then the superstructures of the *Hebrew* Monarchies; and last of all, the Story of the *Hebrew* Kings.

SECT. 2. *The Balance of this Monarchy.* The balance necessary unto Kingly government, even where it is regulated, or not absolute, is thus described by *Samuel*: *This will be the manner of the king that shall reign over you: He will take your fields, your vineyards, and your oliveyards, even the best of them, and give them to his servants.* That is, there being no provision of this kind for a king, and it being of natural necessity, that a king must have such an Aristocracy, or Nobility, as may be able to support Monarchy; which otherwise, to a people having equal shares in propriety, is alto-

1 Sam. 8.

II, 14.

altogether incompatible ; it followes, that he must take your fields, and give them unto his servants, or creatures.

This yet could *Saul* not do, in whose time the Monarchy attained not unto any balance, but was soon rent from him like the lap of a garment. The Prince who gave that balance unto this Monarchy, which it had, was *David*: for besides his other conquests, by which he brought the *Moabites*, the *Syrians of Damascus*, the *Ammonites*, the *Amalakites*, the *Edomites* unto his obedience, and extended his border unto the river *Euphrates* ; he smote the *Philistims*, and subdued them, and took *Gath* and her townes, out of the hand of the *Philistims*. Now this country *David* thus took, was part of the land given unto the people by God, and which was by the Law of *Moses* to have been divided by lot unto them. Wherefore if this division follow'd not, but *David* having taken this country, did hold it in his particular dominion or propriety ; then though he took not from the people, any thing whereof they were in actual possession ; yet, as to their legal right, took he from them (as
Samuel

2 Sam. 8. 1.
1 Chr. 11.

Samuel had forewarned) *their fields,*
their vineyards, and their oliveyards,
even the best of them, and gave them
unto his servants, or unto a nobility,
 which by this meanes he introduced.

2 Sam. 23.

1 Chr. 11.

The first order of the nobility thus
 instituted, were, as they are termed by
 our translators, *Dauids* worthies: to
 these may be added, the great officers
 of his realm and court, with such as
 sprang out of both. But however,
 these things, by advantage of forrain
 conquest, might be ordered by *David*,
 or continued for the time of his next
 successor; certain it is, that the ba-
 lance of Monarchy in so small a coun-
 try, must be altogether insufficient to
 it self, or destructive to the people.

Sect. 3.

The Commonwealth of *Lacede-*
A Parallel *mon* being founded by *Lycurgus*, upon
of the Mo- like lots with these designed by *Mo-*
narchical *ses*; came, after the spoil of *Athens*,
Balances in to be destroyed by purchasers, and
Israel and brought into one hundred hands:
in Lacede- whereupon, the people being rooted
mon out, there remained no more to the

Plutarch
in Agis and
Cleom.

two kings, who were wont to go out
 with great armies, then one hundred
 Lords; nor any way, if they were in-
 vaded, to defend themselves, but by
 mer-

mercenaries, or making war upon the
peny : which, at the farthest it would
go, (not computing the difference in
discipline) reach'd not in one third,
those forces which the popular ba-
lance could at any time have afforded
without mony. This some of those
kings perceiving, were of all others
the most earnest to return unto the
Popular balance. What disorders in
a country no bigger then was theirs,
or this of the *Israelites*, must, in case
the like course be not taken, of neces-
sity follow ; may be at large perused
in the story of *Lacedemon* ; and shall
be fully shewn, when I come unto
the story of the present Kings.

For the Superstructures of *David's* Sect. 4.
government ; it hath been shewn at *The Super-*
large, what the congregation of *Israel* *structures of*
was ; and that without the congrega- *the Hebrew*
tion of *Israel*, and their result, there *Monarchy.*
was not any law made by *David*.
The like in the whole, or for the most
part, was observed till *Rehoboam* ; who
refusing to redresse the grievances
of the people, was deposed by one
part of this congregation or Parlia-
ment, and set up by another, to the
confusion both of Parliament and
peo-

I Sam. 8.
15.

Psa. III. 1.

people. And *David* (as after him *Jehoshaphat*) did restore the Sanhedrim, I will not affirm, by popular election, after the ancient manner : He might do it perhaps, as he made *Joab* over the host, *Jehoshaphat* recorder, and *Seraiah* Scribe. Certain it is, the Jewish writers hold unanimously, that the seventy Elders were in *David's* time ; and by a good token : for they say, Unto him onely, of all the kings, it was lawfull, or permitted, to enter into the Sanhedrim ; which I the rather credit, for the words of *David*, where he saith ; *I will praise the Lord with my whole heart, in the council, and in the congregation of the upright* : which words relate unto the Senate, and the congregation of Israel. The final cause of the popular congregation in a Commonwealth, is to give such a balance by their result, as may, and must keep the Senate from that faction, and corruption, whereof it is not otherwise curable, or to set it upright. Yet our translation giveth the words cited, in this manner : *I will praise the Lord with my whole heart, in the assembly of the upright, and in the congregation*. There are other

ther allusions in the *English* Psalmes, of the like nature, shaded in like manner. As, *God is present in the congregation of God*, (that is, in the representative of the people of Israel) *he judgeth among the Gods*, that is, among the seventy Elders, or in the Sanhedrim. What the orders of the Israelitish Monarchy in the time of *David* were, though our translators throughout the Bible, have done what they could against popular government, is clear enough in like places.

To conclude this chapter with the story of the *Hebrew* Kings: Till *Re-* Sect. 5.
hoboam, and the rent (through the *The Story of the Hebrew*
cause mentioned) of the congregati- *Kings.*
on in his time, the Monarchy of the *Hebrews* was one; but came thenceforth to be torn into two: that of *Judah* consisting of two Tribes, *Judah* and *Benjamin*, and that of *Israel*, consisting of the other ten. From which time, this people thus divided, had little or no rest from the flame of that civil war; which once kindled between the two realmes or factions, could never be extinguished, but in the destruction of both. Nor was civil

vil War of so new a date among them; *Saul*, whose whole Reign was impotent and perverse, being conquered by *David*; and *David* invaded by his Son *Absalom* so strongly, that he fled before him. *Solomon*, the next Successour, happened to have a quiet Reign, by settling himself upon his Throne in the Death of *Adonijah* his elder Brother, and in the deposing of the high Priest *Abiathar*; yet made he the yoke of the people grievous. After him, we have the War between *Jeroboam* and *Rehoboam*. Then, the Conspiracy of *Baasha* against *Nadab* King of *Israel*, which endeth in the destruction of *Jeroboams* house, and the Usurpation of his Trone by *Baasha*, which *Baasha* happeneth to leave unto his Son *Asa*. Against *Asa* riseth *Zimri*, Captain of the Chariots; killeth him with all his kindred, reigneth seven days; at the end whereof, he burneth himself for fear of *Omri*, who upon this occasion is made Captain by one part of the people, as is also *Tibni* by another. The next prize is plaid between *Omri* and *Tibni*, and their factions; in which *Tibni* is slain. Upon this success, *Omri* out-
doing

doing all his Predecessours in Tyranny, leaveth his Throne and Vertues unto his Son *Ahab*. Against *Ahab*, driveth *Jehu* furiously, destroyeth him and his family, giveth the flesh of his Queen *Jezebel* unto the Dogs, and receiveth a present from those of *Samaria*, even seventy Heads of his Masters Sons in Baskets. Unto *Asa* and *Jehosaphat*, Kings of *Judah*, belongeth much Reverence. But upon this Throne sat *Athaliah*; who, to reign, murdered all her grand-children save one, which was *Joash*. *Joash* being hidden by the high Priest, at whose command *Athaliah* was some time after slain, endeth his reign in being murdered by his Servants. To him succeedeth his Son *Amaziah*, slain also by his Servants. About the same time *Zachariah* King of *Israel* was smitten by *Shallum*, who reigned in his stead. *Shallum* by *Manahim*, who reigned in his stead. *Pekaha* the Son of *Manahim* by *Pekah* one of his Captains, who reigned in his stead. *Pekah* by *Hoshea*. *Hoshea* having reigned nine years, is carried by *Salmanezzer* King of *Assyria* with the ten Tribes into Captivity. Now might it be expected that

that the Kingdom of *Judah* should enjoy peace: a good King they had, which was *Hezekiah*; but to him succeeded his Son *Manasseh*, a shedder of innocent blood. To *Manasseh* succeeded his Son *Ammon*, slain by his servants. *Josiah* the next, being a good Prince, is succeeded by *Jehoahaz*, who being carried into *Egypt*, there dieth a Prisoner, while *Jehoiakim* his Brother becomes *Pharaohs* Tributary. The last of these Princes was *Zedekiah*, in whose reign was *Judah* led away captive by *Nebuchadnezzar*. Thus came the whole Enumeration of those dreadful Curses denounced by *Moses* in this case, to be fulfilled in this people; of whom it is also said, *I gave them*

Deut. 28. *a king in my anger, and took him away*
Hos. 13. 11. *in my wrath.*

To conclude this Story with the Resemblances or Differences that are between Monarchical and Popular Government: What parallel can there be beyond the Stories whereby each of them are so largely described in Scripture? Truth it is, that *Abimelec* usurped the Magistracy of Judge in *Israel*, or made himself King by the men
of

of *Sichem*, that the men of *Ephraim* fought against *Jeptha*, and that there was a civil War caused by *Benjamin*; yet in a popular Government, the very womb (as they will have it) of tumult, though never so founded, that it could be steady, or take any sufficient root, can I find no more of this kind.

But the Tribunes of the people in *Rome*, or the Romans under the Magistracy of their Tribunes, throughout the whole administration of that Government, were never quiet, but at perpetual strife and enmity with the Senate. It is very true: but first, this happened not from a cause natural unto popular Government, but from a cause unnatural unto popular Government; yea, so unnatural unto popular Government, that the like hath not been found in any other Commonwealth. Secondly, the cause is undeniably discovered to have been consistent in a faction introduced by the Kings, and fostered by the Nobility, excluding the suffrage of the main body of the people through an Optimacy, or certain rank or number, admitted not by the people or

Sect. 6.

A parallel of the Tribunitian Storms with those in the Hebrew Monarchies

N

their

their Election, but by the value of their Estates unto the Legislative Power, as the Commons of that Nation. So the State of this people was as if they had two Houses of Lords, and no House of Commons. Thirdly, this danger were in any other Nation, at least in ours, much harder to be incur'd, then Authors hitherto have made it to be seen in this. And last of all, this enmity, or these factions, were without blood; which in Monarchies they are not, as you saw well in those mentioned; and this Nation in the *Barons Wars*, and those of *York* and *Lancaster*, besides others, hath felt: or if at length they came indeed unto blood, this was not till foundations were destroyed, that is, till the Balance of popular Government in *Rome* was totally ruined, which is equally in cases of like nature unavoydable, be the Government of what kind soever, as of late years we have been sufficiently informed by our own sad experience.

CHAP.

CHAP. V.

Shewing the state of the Jews in Captivity, and after their return out of it; with the frame of the Jewish Commonwealth.

WE left the Children of Israel upon a sad march, Sect. 1. The state of the Israelites in Captivity. even into Captivity: what orders had been anciently observed by them during the time they were in Egypt, which for one (as hath been already shewn) was their seventy Elders, the same so far forth as would be permitted by the Princes whose Servants they were, continued in practice with them during the time of their Captivity, out of which the ten Tribes never more returned. The Jer 25. 12. 2 Chr. 36. 22. Ezra 1. The two Tribes, when seventy years were accomplished, from the time that they were carried away by Nebuchadnezzar, and in the first year of Cyrus king of Persia, returned in a good part of
N 2 them;

them, not onely with the Kings leave and liking, but with restitution of the Plate and Vessels belonging unto the Temple.

Sect. 2. The first Colony (as I may say) of the two Tribes, or those that returned under the Conduct of *Zorobabel* Prince of *Judah*, amounted unto forty two thousand three hundred and threescore., among which there were about one hundred Patriarchs, or Princes of families. To these, in the reign of *Artaxerxes*, came sixteen or twenty Princes more with their families. Among whom the Prophets, *Haggai*, *Zacharias* and *Malachi*, were eminent. Some of them could not shew their fathers house and their seed, whether they were of *Israel*. But these were few; for it is said of them in general, That they went every one unto his own city, or to the inheritance of his Fathers: in which you may note the restitution of the Balance of the *Mosaical Commonwealth*; though what this might come to without fixation, the *Jubilee* being not after the Captivity in use, I cannot say; however, for the present, plain it is that the ancient Superstructures did also ensue:

as

as in order unto the putting away of strange wives which the people in Captivity had taken, is apparent.

Their whole progress hitherto is Sect. 3. according unto the Law of *Moses*, ^{The Super-} they return every man to his inher- ^{structures of} itance by direction of his pedigree, or ^{this Com-} according unto the house of his Fa- ^{monwealth} thers; they are led by Princes of their ^{in the time} families, and are about to put away ^{of Ezra & Nehemia.} strange wives: for what reason then should a man believe that what follows should not be according unto the Orders of the same Law-giver? Now that which follows, in order to the putting away of these strange wives is, *Proclamation was made throughout Judah and Jerusalem, unto all the children of the captivity, that they should gather themselves unto Jerusalem; and that whosoever would not come within three days, according to the counsel of the princes and elders, all his substance should be forfeited, and himself separated from the congregation of those that had been carryed away.* This plainly, by the penalty annexed, is a Law, a Law for banishment; of which kinde there was none made by *Moses*: and a Law made by the Princes and the El-

Ezra 10.8.
9.

ders. What doubt then can remain, but these Elders were the Sanhedrim or seventy Elders? But whereas neither the Sanhedrim, nor any other Senate of it self hath been found to make Laws; what can these Princes be that are joyned with the Elders, other then those spoken of before, that is, the Princes of Families, or chief of the Fathers in the Congregation of them that had been carried away? So the Princes and the Elders in this place may be understood of the Sanhedrim and the people; for thus *David* proposeth unto the congregation of Israel, *to wit, the chief Fathers*, and must be understood of them, because there is no such thing throughout the Scripture to be found, as a Law made by the Sanhedrim without the people; and if so, then that the Sanhedrim with the people had power to make a Law, is by this place of Scripture undeniably evinced. But besides, the chief Fathers which here are called *Rulers of the congregation*, and in the time of *David* were called *Captains of thousands and Captains of hundreds*, mention is also made of the *elders of every city, and the judges there-*

1 Chr. 27.
1.

Ezra 10.
14.

thereof : in which words , you have the Judges in the Gates throughout the Tribes of Israel as they were instituted by *Moses* : all which particulars being rightly summed up , come unto this total, That the Commonwealth restored by *Ezra*, was the very same that originally was instituted by *Moses*.

Such was the Government restored Sect. 4.
by *Zorobabel*, *Ezra* and *Nehemia*; now A transition
whether the Jewish or Cabalistical unto the Cabalistical or
Commonwealth, fathered by the Pres- Jewish
byterian Jews of latter ages upon Commonwealth.
Moses or *Ezra*, be the same , shall be
shewn, by reducing the invention of these men unto three heads : as first, their *Cabala* ; secondly, their Ordination ; and last of all , their great Synagogue.

The *Cabala*, called also by the Jews Sect. 5.
the Oral Law , consisteth of certain The Cabala-
traditions by them pretended at the la.
institution of the Sanhedrim to have been verbally delivered unto the seventy Elders by *Moses* for the Government of the Commonwealth. These were never written till after the dispersion of the Jews by the Emperour *Adrian*; when, to save them

from being lost, they were digested into those Volumes called the *Talmud*; which they hold to be, and indeed are, as to matter of Fact, the Authentick Records of their Government. Of the Traditions thus recorded, saith one of the Rabbins or Jewish Doctors: *Think not that the written Law (or the Law of Moses) is fundamental, but that the Oral or Traditional Law is fundamental, it being upon this that God entered into a league with the Israelites, as it is written. After the tenor of these words, I have made a covenant with thee and with Israel. A man (saith another) who returneth from the study of the Talmud unto the study of the Bible, can have no quiet conscience, neither was there any peace to him that went out or came in.* The like whereunto is the Talmudical way of applying Scripture throughout. And it was the common blessing the Pharisees gave their Children: *My son, hearken unto the words of a Scribe or Doctor, rather then unto the Law of Moses.* To whom saith Christ hereupon, *Ye have made the commandment of God of none effect by your tradition.*

Rabbi
Corbulen-
fis.

Exod. 34.
27.

In codice
juris Cha-
giga.

Zach. 8.
10.

Mat. 15. 6.

Señt. 6.
Ordination
by imposi-
tion of hands.

Now as true as the *Talmud*, or as
this

this word of a *Scribe*, or that *Moses* delivered the Oral Law unto the seventy Elders, and to *Joshua*, so true it is that *Moses* ordained both the seventy Elders and *Joshua* by the imposition of hands; and that this ordination by the imposition of hands, together with the Oral Law, came successively, and hand in hand from the seventy Elders, and from *Joshua* downright unto these Doctors. This indeed is so clear in their *Talmud*, that there is no denying of it; but that as to the seventy Elders, it is quite contrary unto Scripture, hath already been made sufficiently apparent; for *Joshua*, it is acknowledged that he was ordained by *Moses* with imposition of hands. But this Argument, besides that the Act of *Moses* was accompanied with miracle, and that it is absurd to think that a thing plainly miraculous should or can be received as an order in a Commonwealth, will go no step farther, then that *Joshua* upon this authority might have elected his successor by the imposition of hands: let them shew us then that he did so, or indeed that he left any successour at all: for certainly if *Joshua* left no successour

cession so ordained, or no successor at all, which is the truth of the case, then descended there upon them no such Ordination from *Joshua*; and so by consequence, none from *Moses*. Whence it followeth, that the Authority and Vogue of Ordination by the imposition of hands among the Jews, deriveth not from the Law of *Moses*, but from the Oral Law; which how bad an Authority soever it be unto us of right, is of fact, or of what the exercise of Ordination was among the Jews, a good and sufficient testimony. Now thereby the condition of this Ordination (though in some times of the Commonwealth it were less restrain'd) was such, that no man not having received the same from the great Sanhedrim, or some one of the inferiour Courts by laying on of hands, by word of mouth, or by writing, could be a Presbyter, or capable of any Judicature or Magistracy in the Commonwealth, or to give counsel in the Law, or any part of the Law, or to be of the assembly of the great Synagogue.

Sect. 7.

*The great
Synagogue.*

What the assembly of the Princes and Fathers was in the time of *Ezra*, hath

hath been shewn, and is left unto judgement. But this is that which the Talmudists and their Ancestors the Cabalistical Jews, among vvhich the Pharisees vv ere of the highest rank, unanimously affirm to have consisted of the seventy Elders, and of a Junta of fifty Presbyters not elected by the people, but by the laying on of hands by the Sanhedrim, or by some other Judicatory. This, they say, was the institution of their great Synagogue; where I leave them: but that according to the sense wherein they cite their Authority, the like with them was the constant practice, appeareth not onely by their own Testimony and Records, but is plain in Scripture; as where Christ speaketh of the Jews unto his Apostles in this manner: *They will scourge you in their Synagogues*; Grot. ad Mat. 10. 17. that is, the Jews, having as yet not any Law made whereby they can invade the liberty of conscience, or bring you for the practice thereof unto punishment, will call their great Synagogue, wherein the Priests and the Pharisees, or the Sanhedrim, have at least seven to five the over-balancing vote unto the rest; which also

Act. 4. 6.

so are their creatures, and by these will easily carry or make such Laws whereby they may inflict upon you corporal punishment: which interpretation of Christs words, was fulfilled even unto a tittle, or rather with over-measure. For upon this occasion the high Priest, and *as many as were of the kindred of the high priest, were gathered together at Jerusalem.* That this same Juncta to be in this case added unto the Sanhedrim, was to consist but of fifty, those fifty not elected by the people, but chosen by the Elders of the Sanhedrim; and not out of the body of the people, but out of such one-ly as had received Ordination by the Sanhedrim, or by some other Court, or indeed were actually Judges in some other Court, was not enough, unless they might consist also of *as many as were of the kindred of the high Priest.* VVhich Rights and Priviledges being all observed, *The high priest came, and they that were with him, and called the Sanhedrim, and all the Presbytery of the Children of Israel:* that is, so many of them, as being assembled in the great Synagogue, represented *all the Presbytery of the Children of Israel,*
or

Act. 5. 21.

or all the children of *Israel* themselves. In this assembly you have the full description of the great Synagogue : and *when* (in this Synagogue) *they had beaten the Apostles Peter and John, they commanded them that they should not speak in the Name of Jesus, and let them go.* Act. 5. 40. Upon these proceedings, there are considerations of good importance ; as first, that the Cabalistical Doctors themselves did never so much as imagine that *Moses* had induced the Sanhedrim alone, or separately considered from the people, with Legislative power ; nevertheless, that the Sanhedrim came into the place, and succeeded unto the whole power of *Moses*, they unanimously held : whence, even upon their principles, it must follow, that in *Moses* distinctly and separately taken from the people, there could be no power of making any Law. The second thing remarkable in this proceeding, is, That the most corrupt Commonwealth, and in her most corrupt age, had not yet the face, without some blind, to pretend unto Legislative power in a single Council. The last I shall observe, is, That no possible security is to be given
unto

A^d. 5. 26.

unto liberty of conscience, but in the security of civil liberty, and in that onely, not by Laws which are otherwise as perishing as flowers or fruits, but in the roots or fundamental orders of the Government. What even in these times must have followed as to the liberty of conscience, had there been an equal representative of the people, is apparent, in that *the captain and the officers* employed by this Synagogue to apprehend the Apostles, *brought them without violence; for they feared the people, lest they should have been stoned.* It is true, there is nothing with us more accustomary, even in the solemnest places, and upon the solemnest occasions, then to upbraid the people with giddiness, from the *Hosanna* and the *Crucifige* of the Jews. VVhat may be charged upon a multitude not under orders, the fouler crime it be, is the fairer argument for such orders as where they have been once established, the people have not been guilty of such crimes: at least, it should seem, that in this case there is great scarcity of witnesses against them, seeing the Death of *Socrates* is more laid unto one people, then that

that of all the Martyrs unto Kings ; yet were the false witnesses by whom *Socrates* suffered , (and by the like whereunto a man in the best Government may chance to suffer) no sooner discovered , then they were destroyed by the people , who also erected a Statue unto *Socrates*. And the people who at the arraignment of Christ , cryed , *Crucifie him, crucifie him*, were such as Mark 15. the chief Priests moved or prompted , 11. and such also as *feared the multitude* : Mat. 21. now that the people which could be prompted by the chief Priests , or the people which could fear the people , could be no other then this pretended representative of the people , but indeed Juncta of cousins and retainers , is that , which for ought I know , may be possible ; and the rather , for what happened before upon the Law called among the Jews *The Law of the Zealot*, which was instituted by *Moses* in these words : *If thy brother, the son* Deut. 13. 6 *of thy mother—entice thee, saying, Let us go and serve other gods—thine hand shall be first upon him to put him to death—and afterwards the hand of all the people.* By this Law it is plain, that as to the true intent thereof, it relateth unto

unto no other case then that onely of Idolatry. The execution of the same, according to the *Talmud*, might be performed by any number of the People, being not under ten, either apprehending the Party in the Fact, or upon Testimony of such VVitnesles as had so apprehended him; yet will it not be found to have been executed by the People, but upon instigation of the Priests, as where (they interpreting the Law as they list) *Stephen* is stoned. Now if the Priests could have made the People do as much against Christ, what needed they have gone unto *Pilate* for help? and if they could not, why should we think that the Multitude which cryed out, *Crucifie Him, crucifie Him*, should be other then the great Synagogue?

However, that it was an Oligarchy, consisting of a Senate and a Presbytery, which not onely scourged the Apostles, but caused Christ to be crucified, is certain. And so much for the great Synagogue.

Sect. 8. These parts being Historically laid down, and proved, it followeth that
The Model of the Jew- the Cabalistical or Jewish Common-wealth. wealth was much-what of this Model.

Be the capacity of bearing Magi-
stracy, or giving counsel upon the
Law, or any part of the Law of this
Commonwealth, in no other then
such onely as are Presbyters.

Be Presbyters of two sorts: the
one general, the other particular.

Be Presbyters general ordained by
the laying on of hands of the Prince
of the Sanhedrim with the rest of the
Elders, or Presbytery of the same,
and by no other Court, without a Li-
cence from the Prince of the Sanhe-
drim; and be those ordained in this
manner, eligible by the major vote
of the seventy Elders into the San-
hedrim, or into any other Court, by the
major vote of the Elders or Presby-
tery of that Court.

Be Presbyters particular ordained
by any Court of Justice, and be these
capable of giving counsel in the Law,
or in some particular part of the Law,
according unto the gift that is in them
by the laying on of the hands of the
Presbytery.

Be all Presbyters capable of no-
mination unto the great Synagogue.

Be the Sanhedrim in Law made
D the

the supreme Magistracy or Iudicatory; and with a Junta of fifty Presbyters of their Domination, the great Synagogue.

Be the great Synagogue the Legislative power in this Commonwealth.

Such was the Government, where the word of a Scribe or Doctor was avowedly held to be of more validity then the Scripture; and where the usual appellation of the people by the Doctors and Pharisees, was (*populus terra*) the Rascal Rabble.

Sect. 9. *Regis ad exemplum totius componitur Ordination orbis.* There were other Synagogues in the lesser Synagogue. for other uses, as those wherein the Law was read every Sabbath-day. Each of which also had her Ruler and her Presbytery, with power to ordain others unto this capacity.

CHAP.

CHAP. VI.

Shewing how Ordination was brought into the Christian Church, and the divers ways of the same that were at divers times in use with the Apostles.

VWE do not find that Christ Sect. I.
 (who gave little coun- *The form*
 tenance unto the tradi- *introduced*
 tions of the Jews) ordained his A- *by Christ in-*
 postles or Disciples by the imposition *to his*
 of hands: his Apostles were twelve, *Church.*
 whom he compareth unto the twelve *Matth. 19.*
 Princes of the Tribes of *Israel*; and *28.*
 his Disciples were seventy, in which
 number it is received by Divines, that
 he alluded unto the seventy Elders or
 Sanhedrim of *Israel*. So thus far the
 Government of the Church instituted
 by Christ, was according unto the
 form instituted by *Moses*. But Christ
 in this form was King and Priest, not

O 2

after

Vide Grotium, & videat Grotius, in Epist. ad Hebræos.

after the institution of *Moses*, who separated the Levites unto the Priesthood; but as before *Moses*, when the Royal and Priestly Function were not separated; and after the order or manner of *Melchisedec*, who came not to the Priesthood by proving his pedigree, as the high Priest in *Israel* by Father, or as the King-priest in *Athens* by Mother, but without Father and Mother. Or be what hath been said of *Melchisedec* approved or rejected, such for the rest as hath been shewn, was the form introduced by Christ into his Church.

Sect. 2.
The first way of Ordination.
Act. 1.

Christ, being taken up into Heaven, the Disciples in *Jerusalem* encreased unto about one hundred and twenty names, and the Apostles decreased by one, or by *Judas*, who was gone unto his place. *Peter*, whether upon counsel and determination of the eleven Apostles (as is most probable) beforehand, or otherwise, stood up, and spake both unto the Apostles and Disciples assembled upon this occasion, That one out of the present assembly might be ordained an Apostle: and they (that is, the congregation, or why was this proposed to them?) appointed two, by suffrage,

suffrage ; for how otherwise can an assembly appoint ? these were *Barsabas* and *Matthias* ; which names being written in scrolls , were cast into one urn ; two lots , whereof one was a blank , and the other inscribed with the word *Apostle* , being at the same time cast into another Urn : which done , they prayed that God would shew which of the Competitors by them so made , he had chosen : when they had thus prayed , they gave forth their lots , that is , a scroll out of the one urn , and then a name to that scroll out of the other urn : and the lot fell upon *Matthias* , or *Matthias* was taken : whereupon *Matthias* was numbred , or rather decreed with the eleven *Apostles* : for (a) *Pse-* a συγκατά-
φασιν. *phisma* , being a word which properly deriveth from such stones or pebbles as popular assemblies of old were wont to ballot with or give suffrage by , not onely signifieth a decree , but especially such a decree as is made by a popular assembly. Now if this were Ordination in the Christian Church , and of Apostolical right , then may there be a way of Ordination in the Christian Church , and of Apostolical right , exactly conformable unto the

ballot, or way used by *Moses* in the institution of the seventy Elders or Sanhedrim of *Israel*.

Sect. 3. After the conversion of some thousand
The second sands more, most, if not all, of which
way of Or- were Jews, a people though converted,
dination. yet so tenacious of their Laws and
Act. 4. c. Customs, that even circumcision (hitherto not forbidden by the Apostles) was continued among them; *the twelve Apostles called the multitude of the Disciples unto them.* So *Moses*, when he had any thing to propose, assembled the people of *Israel*. And when the twelve had thus called the Disciples, *they said, Look ye out among you seven men of honest report, full of the Holy Ghost and wisdom, whom we may appoint over this business.* So *Moses* said unto the congregation of *Israel*, *Take ye wise men, and understanding, and known among your Tribes, and I will make them rulers over you.* And the saying (of the Apostles) pleased the whole multitude. So the people of *Israel* were wont to answer unto *Moses*, *The thing which thou sayest is good for us to do.* This saying of the *Apostles* being thought good by the whole multitude, the whole mul-
 ti-

trude elected seven men, whom they set before the *Apostles*: and when they had prayed, they laid their hands on them. To say in this place (as they do) that the act of the people was but a presentation, and that the *Apostles* had power to admit or refuse the persons so presented; is as if one should say, That the act of electing Parliament-men by the people of *England*, was but a presentation, and that the King had power to admit or refuse the persons so presented. And seeing the Deacons henceforth had charge of the Word; to say, That by this choice the Deacons received not the charge of the Word, but the care to serve Tables, is as if one should say, That Parliament-men by their Election received onely the care to levy money or provision for the Kings Table; but if upon such Election they debated also concerning Laws, that power they received from the King onely.

But if this were a way of Ordination in the Christian Church, and of Apostolical right, then there may be a way of Ordination in the Christian Church, and of Apostolical right, consisting in part of the orders of the

Israelitish Commonwealth, and in part of the Orders of the Jewish Commonwealth.

Sect. 4. Lastly, *Paul* writing unto *Timothy* concerning his Ordination, hath in one place this Expression, *Neglect not the gift that is in thee, which was given thee by prophesie, with the laying on of the hands of the Presbytery.* So the Presbytery of a Jewish Synagogue laid their hands on the party ordained. And in another place he hath this expression: *Stir up the gift of God which is in thee by the laying on of my hands.* So the Ruler of a Jewish Synagogue did lay his hands also on the party ordained. Moreover, the Apostle in these words, *The gift that is in thee by laying on of hands*, though in relation unto gifts beyond comparison more excellent, useth the phrase known upon like occasion to have been common with the Jews. Wherefore if this were a way of Ordination in the Christian Church, and of Apostolical right, then may there be a way of Ordination in the Christian Church exactly conformable unto the Jewish Commonwealth, and yet be of Apostolical right. Nor is it so strange that
the

The third

way of Ordination.

1 Tim. 4. 14

2 Tim. 1. 6.

the Apostles in matters of this nature should comply with the Jews, of which so many were converted, seeing it is certain that not onely the Apostles, but all such as in these times were converted, did observe the Jewish Sabbath, nay, and that *Paul* himself took *Timothy* and circumcised him, because of the Jews; that is, to comply with them, or to give them no offence. Nor do our Divines any where pretend imposition of hands to be derived from Christ, but unanimously confess, That it was taken up by the Apostles from the Jewish Sanhedrim.

Now in these several ways of Or-
 dination, there is a most remarkable
 providence of God. For whereas
 States and Princes in receiving of Re-
 ligion are not at any point so jealous
 as of encroachment upon their pow-
 er; the first way of Apostolical Or-
 dination destroyeth Monarchical power:
 the last wholly excludeth the power of
 the people; and the second hath a
 mixture which may be received by a
 Commonwealth, or by a Monarchy.
 But where it is received by a Com-
 monwealth, the imposition of hands
 comes to little; and where it is re-
 ceived

Sect. 5.
 The provi-
 dence of
 God in the
 different
 way of A-
 postolical
 Ordination.

ceived by a Monarchy, the Election of the people cometh to nothing, as may be farther considered in the Original and progress of the *Conge d'Esclire*.

The ways of Ordination or of Church-Government lying thus in Scripture, the not receiving of the Christian Religion is not that whereof any State or Prince through the whole world can be any ways excusable.

THE



THE
CONCLUSION:

SHEWING,

That not God, nor Christ,
nor the Apostles, ever in-
stituted any Government
Ecclesiastical or Civil up-
on other principles than
those onely of humane
Prudence.

TO sum up this second Book in Sect. 1.
the Uses that may be of it: *uses of this*
Certain it is of the Greek and *Book.*
Roman Stories, that he who hath not
some good Idea or Notion of the Go-
vernment whereunto they relate, can-
not rightly understand them. If the
like

like hold as to the Scripture-story, some light may be thereunto contributed by this Book. Again, if some gifted men happening to read it, should chance be of like judgment, it is an Argument for acquired learning, in that for the means of acquired learning, and in the means of acquired learning for Universities. For how little soever this be, had it not been the fashion with the English Gentry, in the breeding of their sons, to give them a smack of the Universitie, I should not have done so much.

Sect. 2. But letting these pass. If there
The present use of this Book. were Commonwealths, or Governments exercising soveraign power by the Senate and the people, before that of *Israel*, as namely, *Gibeon*. If the inferiour Orders and Courts in *Israel*, as those instituted by *Moses* after the advice of *Jethro* a Heathen, were transcribed out of another Government though Heathen, as namely, that of *Midian*. If the order of the Church introduced by Christ in his twelve Apostles and his seventy Disciples, were after the pattern of *Israel*, namely, in the twelve Princes of the Tribes, and the seventy Elders. If there were
 three

three distinct ways of Ordination introduced by the Apostles ; one exactly according unto the Ballot of *Israel*, as namely, in the Ordination of *Matthias*. Another exactly according to the way of the Jewish Sanhedrim or Synagogue, as namely, that of *Timothy*. And a third, composed of these two, as namely, that of the Deacons. Then is it a clear and undeniable result of the whole, That *not God, nor Christ, nor the Apostles, ever instituted any Government Ecclesiastical or Civil upon other principles than those only of humane prudence.*

An Observation of such consequence, as, where it hath been rightly heeded, there the truth of Religion and of Government once planted, have taken root and flourished ; and where it hath not been rightly heeded, there hath Religion or the pretence of it been the hook and the line, and the State the prey of Impostors and false prophets, as was shewn in the hypocritical Pharisees, for ever stigmatiz'd by the word of Truth.

And for might, let her be never so much exalted in her self; let her sword be never so dreadfully brandished; the

Go-

But they say, Mr. Dean Owen, to the Parliament at their Fast, was positive That no Government upon meer humane principles can be good or lasting.

Therefore the Venetians are greater Saints than the English, Sect. 3. The consequence of this use.

Government not founded upon reason, a creature of God, and the creature of God whose undoubted right in this part is by himself undenyably avowed and asserted, is a weapon framed against God; and no weapon framed against God shall prosper.

Se&. 4.

*A transi-
tion to the next
Book.*

The principles of humane prudence, and in them the art of Law-giving, being shewn in the first Book, and vindicated throughout the whole course of Scripture by this second, I come in the third to shew a Model of Government, framed according unto the art thus shewn, and the principles thus vindicated.

Mr. Manton, through his undertaking to the Knights, Citizens and Burgessees in Parliament, by his Sermon at their Fast, to prove *That the Government instituted by Moses, consisted of King, Lords and Commons*, may by them be thought obliged to confute the present Book.

THE
THIRD BOOK:
CONTAINING
A MODEL
OF
Popular Government.
Practicably proposed according to the foregoing Art,
Confirmed by the Scripture,
and according to the present
BALANCE
OR
STATE OF PROPRIETY
IN
ENGLAND.

Thy youth is renewed like the eagles, Psal. 103.5.

L O N D O N,

Printed by J. C. for *Henry Fletcher*, at the
three Gilt Cups in *Pauls Churchyard*,
near the West-end. 1659.



The Order of the Third Book.

THe Preface, *Containing a model of popular Government proposed notionally.*

CHAP. I. *Containing the civil part of the model proposed practicably.*

CHAP. II. *Containing the religious part of the Model proposed practicably.*

CHAP. III. *Containing the Military part of the Model proposed practicably.*

CHAP. IV. *Containing the provincial*
P

vincial part of the Model proposed practically.

The Conclusion, *Shewing how the Model may be proved or examined; and giving a brief answer to Mr. Wren's last book, intitled Monarchy asserted, &c.*

The



THE
P R E F A C E :

Containing a Model of Popular Government proposed Notionally.



Here is between the discourses of such as are commonly called natural Philosophers, and those of Anatomists, large difference; the former are facile, the later difficult. Philosophers, discoursing of elements, for example, that the body of man consisteth of fire, air, earth and water, are easily both understood and credited, in that by common experience we see the body of man returneth unto the earth from whence it was taken. Like entertainment may befall the elements of government, as in the first of these books

P 2

they

4
The Preface.

they are stated. But *the fearful and wonderful making*, the admirable structure and great variety of the parts of mans body, in which the Discourses of Anatomists are altogether conversant, are understood by so few, that, I may say, they are not understood by any. Certain it is, that the Delivery of a Model of Government (which either must be of none effect, or embrace all those Muscles, Nerves, Arteries and Bones, which are necessary unto any Function of a well-ordered Commonwealth) is no less then political Anatomy. If you come short of this, your Discourse is altogether ineffectual; if you come home, you are not understood: you may, perhaps, be called A Learned Author; but you are obscure, and your Doctrine is impracticable. Now had I suffered in this, and not the people, I should long since have left them unto their humour; but seeing it is they that suffer by it, and not my self, I will be yet more a fool, or they shall be yet wiser. It comes into my head that I saw long since, upon an Italian Stage, while the Spectators wanted Hoops for their sides. A Country fellow

low came with an Apple in his hand ; unto which , in strange variety of faces , his Teeth were undoubtedly threatned , when entered a young Anatomist brim-full of his last Lesson, who staying in good time the hand of this same Country Fellow, would by no means suffer him to go on with so great an Enterprize, till he had first named and described unto him all the Bones , Nerves and Muscles which are naturally necessary unto that motion : at which the good man being with admiration plainly chap-fallen, comes me in a third, who snatching away the apple, devoured it in the presence of them both. If the people in this case whereof I am speaking, were naturally so well furnished, I had here learnt enough to have kept silence; but their eating in the political way , of absolute necessity, requirerh the aid of some political Anatomist ; without which, they may have appetites, but will be chap-fallen. Examples whereof they have had but too many ; one I think may be insisted upon without envy.

This is that which was called **The Agreement of the People**, consisting

in sum of these Propositions :

The Anarchy of the Levellers.

That there be a Representative of the Nation consisting of four hundred persons, or not above.

Which Proposition putteth the Bar on the quite contrary side ; this being the first example of a Commonwealth, wherein it was conceived, That five hundred thousand men, or more, might be represented by four hundred. The Representation of the people in one man, causeth Monarchy; and in a few, causeth Oligarchy : the Many, can be no otherwise represented in a State of Liberty, then by so many, and so qualified, as may within the compass of that number and nature embrace the interest of the whole people. Government should be established upon a rock, not set upon a precipice : a Representative consisting but of four hundred, though in the nature thereof it be popular, is not in it self a weapon that is fixed, but hath something of the broken Bow, as still apt to start aside unto Monarchy. But the paucity of number, is tempered with the shortness of term, it being farther provided,

That this Representative be biennial.

nial, and sit not above eight moneths. But seeing a supreme Council in a Commonwealth is neither assembled nor dissolved, but by stated Orders directing upwards an irresistible strength from the root, and as one tooth or one nayl is driven out by another; how is it provided that this Biennial Council shall not be a perpetual Council? whereas there is nothing more dangerous in a Commonwealth, then entire Removes of Councils; how is it provided that these shall be men sufficiently experienced for the management of Affairs? And last of all, whereas dissolution unto Sovereign power is death, unto whom are these after their eight moneths to bequeath the Commonwealth? In this case it is provided,

That there be a Council of State elected by each new Representative, within twenty days after their first meeting, to continue till ten days after the meeting of the next Representative. In which the faults observed in the former Order, are so much worse, as this Council consists of fewer. Thus far this Commonwealth is Oligarchy: but it is provided,

A 4

That

That these Representatives have Sovereign power, save that in some things the people may resist them by arms. Which first is a flat contradiction, and next is downright Anarchy. Where the Sovereign power is not as intire and absolute as in Monarchy it self, there can be no Government at all. It is not the limitation of Sovereign power that is the cause of a Commonwealth, but *such a libration or poysse of Orders, that there can be in the same no number of men having the interest, that can have the power; nor any number of men having the power that can have the interest to invade or disturb the Government.* As the orders of Commonwealths are more approaching to, or remote from this Maxime, (of which this of the Levellers hath nothing) so are they more quiet or turbulent. In the Religious part onely, proposing a **National Religion and Liberty of Conscience**, though without troubling themselves much with the means, they are right in the end.

And for the Military part, they provide,

That no man (even in case of invasion)

passion) be compellable to go out of the Country where he liveth, if he procure another to serve in his room. Which plainly entayleth upon this Commonwealth a fit guard for such Liberty, even a mercenary Army: for what one doth of this kind, may and (where there is no bar) will be done by all: so every Citizen by money procuring his man, procures his Master. Now if this be work of that kind which the people in like cases (as those also of *Rome*, when they instituted their Tribunes) do usually make, then have I good reason not onely to think, but to speak it audibly, That to sooth up the people with an opinion of their own sufficiency in these things, is not to befriend them, but to feed up all hopes of Liberty unto the slaughter.

Yet *the Leveller**, a late Phamphlet, having gathered out of *Oceana* the principles by him otherwise well insinuated, attributes it unto the Agitators, or that Assembly which framed this wooden Agreement of the people: **That**

* A latter Pamphlet called *xxv Queries*, using the Balance of propriety, which is fair enough, refers it to Sir Thomas Smiths 15 Chap. (de Repub populi ingenio accommodanda) where the Author speaketh not one word of propriety, which is very foul.

then

then some of that Council asserted these principles, and the reason of them.

But *Railery apart*, we are not to think it hath been for nothing that the wisest Nations have in the formation of Government, as much relyed upon the invention of some one man, as upon themselves: for whereas it cannot be too often inculcated, that Reason consisteth of two parts; the one Invention, the other Judgment; a people or an Assembly are not more eminent in the matter of Judgment, then voyd of Invention. Nor is there in this any thing at all against the sufficiency of a people in the management of a proper form, being once introduced, though they should never come to a perfect understanding of it. For were the bodies of the people such as they could commonly understand, they would be (as I may say) wooden bodies, or such as they could not use; whereas their bodies being such as they understand not, are such in the use whereof they are perfect.

There

There are in Models of Government, things of so facile use, and yet of so difficult understanding, that we must not think them even in *Venice*, who use their Commonwealth with the greatest prudence and facility, to be all or any considerable number of them such as do perfectly understand the true Reason or Anatomy of that Government; less is not to be presumed, in that not any of those *Venetians*, who have written hitherto of their own form, have brought the truth of it unto any perfect light. The like perhaps (and yet with due acknowledgement unto *Livy*) might be said of the Romans. The Lacedemonians had not the right understanding of their Model, till about the time of *Aristotle* it was first written by *Dicæarchus* one of his Scholars. How egregiously our Ancestors (till those foundations were broken which at length have brought us round) did manage the English sway, is sufficiently known. Yet by one of the wisest of our Writers (even my Lord *Verulam*) is *Henry* the seventh paralleled which the Legislators of Ancient and Heroick times, for the institution

tu-

tution of those very lawes, which have now brought the Monarchy unto utter ruine. The Commonwealths upon which *Machiavil* in his discourses is incomparable, are not by him any one of them sufficiently explained or understood, much lesse is it to be expected from a people, that they should overcome like difficulties, through which the wisest nations finding themselves in necessity of a change, or of a new government, have usually done, by such offers as promised fair, or against which they could find no exceptions, as men do by new clothes, that is, put them on, as such which if they be not exactly fit at first, will either fit themselves unto the body in wearing, or thereby more plainly shew wherein they may be mended, even by such as would otherwise prove but bad workmen. Nor hath any like offer been thought to have more presumption, much lesse treason in it, then if one conscious of skill in architecture, should make offer of himself unto the Prince or State to build a more convenient Parliament-house. *England* is now in such a condition, that he who may be truly said to give
her

her law, shall never govern her; and he who will govern her, shall never give her law. Yet some will have it, that to assert popular power, is to sow the seed of civil war; and object against a Commonwealth, as not to be introduced but by armes: which by the undeniable testimony of later experience, is of all other objections the most extravagant; for if the good old cause, against the maw even of the army, and of all men well-affected to their country, could be trodden under foot without blood; what more certain demonstration can there be, that let the deliberations upon, or changes of government, be of what kind soever shall please a Parliament, there is no appearance that they can occasion any civil war? Streames that are stopped, may urge their banks; but the course of *England* into a Commonwealth, is both certain and natural: the wayes of nature require peace. The wayes of peace require obedience unto lawes. Lawes in *England* cannot be made but by Parliaments. Parliaments in *England* are come to be meer popular assemblies. The lawes made by popular

lar assemblies, though for a time they may be awed, or deceived ; in the end must be popular lawes : and the sum of popular lawes must amount unto a Commonwealth. The whole doubt or hazard of this sequel remaineth upon this one question ; Whether a single Council consisting but of four hundred, indued both with debate and result ; the keyes of whose doores are in the hands of ambitious men ; in the croud and confusion of whose election, the people are as carelesse as tumultuous, and easie, through the want of good orders, to be deluded ; while the Clergy (declared and inveterate enemies of popular power) are there laying about, and sweating in the throng, as if it were in the vineyard ; upon whose benches Lawyers, being feathered, and aimed, like sharp and suddain arrowes, with a private interest, point-blank against the publick, may and frequently do swarm, can indeed be called a popular Council. This I confesse, may set the whole state of liberty upon the cast of a dy ; yet questionlesse is it more then odds, for a Commonwealth in often or long throwing, not through
any

any certain run of Genius or Nature that can be in such a Council, but through the impotence of such Conclusions as can go awry, and the external force or state of propriety now fully introduced, whence such a Council may wander, but never find any rest or settlement, save onely in that natural and proper form of Government which is to be erected upon a meer popular Foundation. All other ways of proceeding must be void, as inevitably guilty of contradiction in the Superstructures unto the Foundation; which hath amounted, & may amount unto discouragement of honest men, but with no other success then to embroyl or retard business; *England* being not capable of any other permanent form then that onely of a Commonwealth, though her supreme Council be so constituted, that it may be Monarchically inclined. From this contradiction in the frame, is the frequent rise of contradictory Expostulations and Questions. How, say they, should we have a Commonwealth? Which way is it possible that it should come in? And how, say
I,

I, can we fail of a Commonwealth? What possibility is there that we should miss of it?

If a man answer, he answers thus: No Army ever set up a Commonwealth. To the contrary, I instance in the Army of *Israel* under *Moses*; in that of *Athens* about the time of *Alcibiades*; in that of *Rome* upon the expulsion of the *Tarquins*; in those of *Switz* and of *Holland*. But, say they, other Armies have not set up Commonwealths. True, indeed, divers other Armies have not set up Commonwealths; yet is not that any Argument why our Armies should not. For in all Armies that have not set up Commonwealths, either the Officers have had no fortunes or estates at all, but immediately dependent upon the meer will of the Prince, as the Turkish Armies, and all those of the eastern Countries: or the Officers have been a Nobility commanding their own Tenants. Certain it is, That either of these Armies can set up nothing but Monarchy. But our Officers have not estates of noble-men, able upon their own Lands to levy Regiments, in which case they would take home their people to plough

plough or make Hay ; nor are yet so put to it for their livelyhood, as to depend wholly upon a Priace, in which case they would fall on robbing the people ; but have good honest popular estates to them and their heirs for ever. Now an army where the estates of the officers were of this kind, in no reason can, in no experience ever did set up Monarchy. I but, say they, for all that, their pay unto them is more considerable then their estates. But so much more must they be for a Commonwealth, because the Parliament must pay : and they have found by experience, that the pay of a Parliament is by far better then that of a Prince. But the four hundred being Monarchically inclined, or running upon the interest of those irreconcilable enemies of popular power, Divines and Lawyers, will rather pay an army for commanding, or for supporting of a Prince, then for obeying. Which may be true, as was acknowledged before, in the way ; but in the end, or at the long run, for the reasons mentioned, must be of none effect.

These arguments are from the Cause ; now for an argument to

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Sense,

Sense, and from the effect : if our armies would raise many of themselves, or which is all one, would make a King, why have they not made a King in so many yeares ? why did they not make one yesterday ? why do they not to day ? nay, why have they ever been, why do they still continue to be of all others in this point the most averse and refractory ?

But if so it be with us, that nature runneth wholly unto a Commonwealth, and we have no such force as can withstand nature ; why may we not as well have golden dreames of what this Commonwealth may be, as of the *Indies*, of *Flanders*, or the *Sound* ? The frame of a Commonwealth may be dreamt on, or proposed two wayes ; the one notionally, in which it is of facile understanding, but of difficult practise ; the other practicably, in which it is of difficult understanding, but of facile use : one of these wayes is a shooing-horn, and the other the shoo ; for which cause I shall propose in both, as first notionally, thus :

1. *That*

1. That the native territory of the Commonwealth be divided, so equally as with any convenience it may, into fifty Tribes or precincts.

*The Model
proposed
Notionally.*

2. That the people in each Tribe be distinguished, first, by their age ; and next, by the valuation of their estates : all such as are above eighteen, and under thirty, being accounted youth ; and all such as are thirty or upwards, being accounted elders : all such as have under one hundred pounds a year in lands, goods or monies, being accounted of the Foot, and all such as have so much or upwards, being accounted of the Horse.

3. That each Tribe elect annually out of the Horse of their number, two Elders to be Knights ; three Elders out of the same, and four Elders more out of the foot of their number, to be Deputies or Burgeses. That the terme of each knight and burgesse, or deputy so elected, be triennial ; and that whoever hath served his triennial terme in any one of these capacities, may not be re-elected into any one of the same, till a triennial vacation be expired.

4. That in the first yeare of the

Commonwealth, there be a Senate so constituted, of three hundred knights, that the terme of one hundred may expire annually; and that the hundred knights, annually elected by two in each Tribe, take the places in the Senate, of them whose terme cometh thus to be thus annually expired.

5. That in the first year of the Commonwealth there be a representative of the people, consisting of one thousand and fifty Deputies; four hundred and fifty of them being horse, and the rest foot. That this representative be so constituted, that the terme of two hundred of the foot, and of one hundred and fifty of the horse, expire annually; and that the two hundred foot, and one hundred and fifty horse elected annually, by four of the foot, and three of the horse in each Tribe, take the places in this representative, of them whose terme cometh thus annually to be expired.

6. That the Senate have the whole authority of Debate; that the Representative have the whole power of resolt, in such manner, that what
ever

ever having been debated by the Senate, shall by their authority be promulgated; that is, printed and published, for the space of six weeks; and afterwards being proposed by them unto the Representative, shall be resolved by the people of the same, in the affirmative, be the law of the Land.

Thus much may suffice to give implicitly a notional account of the whole frame. But a Model of government is nothing as to use, unless it be given practicably; and the giving of a Model practicably, is so much more difficult, that men not versed in the way, say of it (as they would of the anatomy of their own bodies) that it is impracticable. Here lyeth the whole difficulty; such things, as try them never so often, they cannot make hang together, they will yet have to be practicable; and if you would bring them from this kind of shifts, or of tying and untying all kind of knots, unto the natural nerves and ligaments of government, it is impracticable. But to render that which is practicable, facile; or to do my last endeavour of this kind, of which if I

misſe this once more, I muſt hereafter deſpair : I ſhall do two things ; firſt, omit the ballot, and then make ſome alteration in my former method.

They who have interwoven the ballot with the deſcription of a Commonwealth, have thereby rendred the ſame by far the more complete in it ſelf ; but in the underſtanding of their readers, as much defective : wherefore preſuming the uſe of the ballot, throughout the orders of this Model, I ſhall refer it unto practice ; in which it will be a matter of as much facility, as it would have been of difficulty in writing. And for the method I have choſen, it is the moſt natural and facile, being no more then to propoſe the whole practicably : firſt, in the Civil ; ſecondly, in the Religious ; then in the Military ; and laſt of all, in the Provincial part of the Model.

CHAP.

CHAP. I.

Containing the Civil Part of the Model proposed practicably.

SEeing it hath been sufficiently proved, That Empire followeth the nature of propriety, that the kind of Empire or Government dependeth upon the kind of Distribution (except in small Countries) of Land; and that where the Balance in propriety hath not been fixed, the kind or nature of the Government hath been floating: it is good reason that in the proposition of a Commonwealth, we begin with fixation of the Balance in propriety; and this being no otherwise to be done then by some such Laws as have been commonly called *Agrarian*, it is proposed,

That every one holding above two thousand pounds a year in Land by I. *Agrarian*
ing within the proper Territory of Laws.
the Commonwealth, leave the said

Land equally divided among his sons; or else so neer equally, that there remain unto the eldest of them not above two thousand pounds a year in Land so lying. That this Proposition be so understood, as not to concern any parent having no more then one son, but the next heir onely that shall have more sons; in such sort, as nothing be hereby taken from any man, or from his posterity, but that fatherly affection be at all points extended as formerly, save onely that it be with more piety, and less partiality. And that the same Proposition, in such families where there are no sons, concern the daughter or daughters in like manner.

2.

That no daughter being neither heir nor co-heir, have above fifteen hundred pounds in portion, or for her preferment in marriage. That any daughter being an Orphan, and having seven hundred pounds or upward in portion, may charge the State with it. That the State being so charged, be bound to manage the portion of such Orphan for the best, either by due payment of the interest of the same; or if it be desired, by way of Annuity

Annuity for life, at the rate of one hundred pounds a year, for every seven hundred pounds so received. The manner whereof being elsewhere shewn, is not needful to be repeated.

That these Propositions bar resource of a Monarchical Nobility, is their peculiar end: wherefore that this should hold weight of an Objection in a popular Balance already introduced through the failure of a Monarchical Nobility, or through a level made not by the people, but by the Kings or themselves, were preposterous. Yet upon this score (for I see no other) is there such Animosity against like Laws, that wise men have judged it an Indiscretion in such as are affected unto popular Government, not to temporize in this point, at least till a Commonwealth were first introduced. To which judgment I am by no means inclining: First, because the whole stream of this kind of Government, is so clear and pellucid, as abhorreth to have any thing in the bottom that may not appear at the very top. Secondly, because an *Agrarian*, not brought in with the in-

tro-

roduction of a Commonwealth, was never yet known to be brought in after the introduction of a Commonwealth. And thirdly, because the change of Balances in States through the want of fixation, hath been so suddain, that between the reign of *Henry* the seventh, and that of *Queen Elizabeth*, being under fifty year, the English Balance of Monarchical, became popular; and that of *Rome*, between the Lives of *Scipio* and of *Tiberius Gracchus*, being also under fifty years, of Popular became Monarchical. Nevertheless, if there remain any cure of Animosity that may be safe, it must be prudent: And such a cure (if we be not so abandoned unto meer phantasie, as thereunto to sacrifice all prudence) there may be, in the addition of this clause.

*Additional
Clause unto
the Agrarian
Law.*

That no Agrarian Law hereby given to this Commonwealth, or to be hereafter given unto the same, or any Province of the same, be understood to be otherwise binding then to the Generation to come, or to the Children to be born seven years after the enacting of the Law.

Upon the addition of this clause, it may

may be safely said of these *Agrarian* Laws, That they concern not any man living; and for posterity, it is well known, that to enact a Law, is no more in their regard, then to commend a thing to their choyce, seeing they having the will, can no more be devided of the power to repeal any Law enacted by their Ancestors, then we are of repealing such Laws as have been enacted by ours.

To this it may be objected, That *Agrarian* Laws being once enacted, must have brought Estates unto the standard of the same, before posterity can come into the capacity to judge of them. But this is the onely means whereby posterity can come unto a true capacity to judge of them: First, because they will have had experience of the Laws which they are to judge of: And secondly, because they will be void of all such imaginary interests as might corrupt their judgment, and do now certainly corrupt ours.

The Balance of the Commonwealth ^{The first Pa-} of *Israel*, through the Distribution of ^{ralled.} Lands at the introduction of the same, became popular; and becoming popular, was fixed by the Law for the
Ju-

Deut. 25.
28.

Jubilee. That which was sold, shall remain in the hands of them that bought it till the year of Jubilee ; and in the Jubilee it shall go out, and he shall return to his possession. The ways in Israel, and in the Commonwealth proposed, where the popular Balance is not made but found, are divers; but the *Agrarian* Laws in each, as to the end, which is preservation of the Balance, are of like effect.

To rise thus from true foundations unto proper superstructures, the first step from the Balance thus fixed into the Orders of a Commonwealth, is no otherwise to be taken, then by certain Distributions or Divisions of the People, whereof some are to be personal, and some local.

*Freemen
and
Servants.*

The first personal division of a People, is into Freemen and Servants. Freemen are such as have wherewithal to live of themselves ; and Servants, such as have not. This division therefore is not constitutive, but naturally inherent in the Balance; nor, seeing all Government is in the direction of the Balance, is it possible for the superstructures of any to make more Freemen then are such by the nature of the

Ba-

Balance, or by their being able to live of themselves.

All that could in this matter be done, even by *Moses* himself, is contained in this proviso. *If thy brother that dwelleth by thee be waxen poore, and be sold unto thee, thou shalt not compel him to serve as a bond-servant: but as an hired servant, and a sojourner he shall be with thee, and shall serve thee unto the year of Jubilee. And then shall he depart from thee, both he, and his children with him, and shall return unto his own family, and unto the possession of his fathers shall he return.* *The second Parallel. Levit. 25. 29.*

The nature of riches considered, this division (I say) into freemen and servants, is not properly constitutive, but as it were natural. To come unto such divisions as are both personal and constitutive, it is proposed;

That all citizens, that is, free men, or such as are not servants, be distributed into horse and foot. *3. Horse and foot.* **That** such of them as have one hundred pounds a yeare in lands, goods or money, or above that proportion, be of the horse; and all such as have under that proportion, be of the foot.

That

4.
Elders and
Youth.

That all Elders or freemen being thirty yeares of age, or upwards, be capable of civil administration; and that the Youth, or such freemen as are between eighteen yeares of age and thirty, be not capable of civil administration, but of military only; in such manner as shall follow in the military part of this Model.

Now besides personal divisions, it is, in order unto a Commonwealth, of necessity, that there be some such as are Local. For these therefore it is proposed;

5.
Precinct of
the Parish.

That the whole native or proper territory of the Commonwealth, be cast, with as much exactnesse as can be convenient, into known and fixed precincts or parishes.

6.
Parochial
Congrega-
tions and
Deputies.

That the Elders resident in each parish, annually assemble in the same; as for example, upon munday next ensuing the last of Dec. That they then and there, elect out of their own number, every fifth man, or one man out of every five, to be for the terme of the year ensuing, a deputy of that parish; and that the first and second so elected, be overseers, or presidents, for the regulating of all parochial congregations.

ons, whether of the elders or of the youth, during the terme for which they were elected.

That so many parishes lying near
rest together, whose Deputies shall
amount to one hundred or thereabout,
be cast into one precinct called the
Hundred. And that in each precinct
called the Hundred, there be a town,
village, or place appointed to be the
Capital of the same.

That the parochial Deputies ele-
cted throughout the Hundred, assemble
annually, for example, upon munday
next ensuing the last of Jan. at the
Capital of their Hundred. That they
then and there elect out of the boise
of their number, one Justice of the
peace, one Jurymen, one Captain,
one Ensigne: and out of the foot of
their number, one other Jurymen,
one high Constable, &c.

Though our Justices of peace have
not been annual, yet that they may
so be, is apparent, in that the High
Sheriffs, whose office is of greater dif-
ficulty, have alwayes been annual:
seeing therefore that they may be an-
nual, that so they ought in this admi-
nistration to be, will appear, where
they

they come to be constitutive of such courts, as should they consist of a standing Magistracy, would be against the nature of a Commonwealth. But the precincts hitherto being thus stated, it is proposed,

9.
*Precinct of
the Tribe.*

That every twenty Hundredes, lying nearest, and most conveniently together, be cast into one Tribe. That the whole territory being after this manner cast into Tribes, some town, village, or place be appointed unto every Tribe for the Capital of the same. And that these three precincts, that is, the Parish, the Hundred, and the Tribe, whether the Deputies thenceforth annually chosen in the Parishes or Hundreds, come to increase or diminish, remain firm and inalterable for ever, save onely by Act of Parliament.

These divisions, or the like, both personal and local, are that in a well-ordered Commonwealth, which staire, are in a good house; not that staires in themselves are desirable, but that without them there is no getting into the chambers. The whole matter of cost and paines required unto the introduction of a like Model, lyeth onely

only in the first architecture, or building of these staires; that is, in stating of these three precincts: which done, they land you naturally and necessarily into all the roomes of this fabrick. For the just number of Tribes into which a territory thus cast may fall, it is not very easie to be guessed; yet because for the carrying on of discourse, it is necessary to pitch upon some certainty, I shall presume that the number of the Tribes thus stated, amounts unto fifty; and that the number of the Parochial deputies annually elected in each Tribe, amount to two thousand: be the deputies more or fewer, by the alterations which may happen in the progresse of time, it disordereth nothing. Now to ascend by these staires into the upper roomes of this building, it is proposed,

That the Deputies elected in the severall Parishes, together with their Magistrates, and other officers, both civil and Military elected in their severall Hundreds, assemble or muster annually; for example, upon monday next ensuing the last of Feb. at the Capital of their Tribe.

IO.
Assembly or
Muster of
the Tribe.

R

How

How the troopes and companies of the Deputies, with their Military officers, or commanders thus assembled, may without expence of time, be forthwith distributed into one uniform and orderly body, hath been elsewhere shewn, and is not needfull to be repeated. For their work, which at this meeting will require two dayes, it is proposed,

II. *Magistrates of the Tribe.* **That the whole body thus assembled, upon the first day of the assembly, elect out of the Boole of their number one High Sheriff, one Lieutenant of the Tribe, one Custos Rotulorum, one Conductor, and two Censoz. That the High Sheriff be commander in chief, the Lieutenant commander in the second place, and the Conductor in the third, of this band or Squadron. That the Custos Rotulorum be muster-master, and keep the rolls. That the Censoz be governozs of the Ballot. And that the term of these magistracies be annual.**

These being thus elected, it is proposed;

II. *The prerogative Troop.* **That the Magistrates of the Tribe, that is to say, the High Sheriff, Lieutenant, Custos Rotulorum, the**

the Censoꝝ and the Conduitoꝝ, together with the magistrates and officers of the Hundreds, that is to say, the twenty Iustices of the Peace, the forty Jurymen, the twenty high Constables, be one troop, or one troop and one company apart, called the Prerogative troop or company. That this troop bring in and assist the Iustices of Assize, hold the quarter sessions in their several capacities, and performe their other functions as formerly.

By this meanes the Commonwealth at the introduction, may embrace the law as it stands, that is, unreformed; which is to the greatest advantage of like reformations: for to reform laws before the introduction of the government, which is to shew unto what the laws in reformation are to be brought or fitted, is impossible. But these magistrates of the Hundreds and Tribes, being such whereby the Parliament is to govern the nation, this is a regard in which they ought to be further capable of such orders and instructions as shall thereunto be requisite; for which cause it is proposed,

R 2

That

13.
The Phylarch.

That the Magistrates of the Tribe, that is to say, the high Sheriff, Warden, Custos Rotulorum, the Clerks and the Conductor, together with the twenty Justices elected at the Hundreds, be a Court for the Government of the Tribe called The Phylarch; and that this Court proceed, in all matter of Government, as shall from time to time be directed by Act of Parliament.

By these Courts the Commonwealth will be furnished with true Chancels, whereby at leasure to turn the Law into that which is sufficiently known to have been her primative course, and into perfect reformation by degrees, and without violence. For as the corruption of our Law deriveth from an Art inabled to improve her private interest, or from the Law upon the Bench and the Jury at the Bar; so the reformation of our Law must come from disabling her as an Art to improve her private interest, or to a Jury upon the Bench, and the Law at the Bar, as in Venice.

The third
Parallel,
Deut. 16.
18.

Judges and Officers shalt thou make thee in all thy gates which the Lord thy God giveth thee throughout thy Tribes,
and

and they shall judge the people with just judgment. These Courts, whose Session-house was in the Gates of every City, were shewn each of them to Book 2. have consisted of twenty three Elders, which were as a Jury upon the Bench, giving sentence by plurality of votes, and under a kinde of appeal unto the seventy Elders or Senate of *Israel*, as was also shewn in the second Book.

This or the like, by all example, and beyond any controversie, hath been and is the natural way of Judicature in Commonwealths. The Phylarches, with a Court or two of Appeal, eligible out of the Senate and the People, are at any time with ease, and with small alteration, to be cast upon a Triennial Rotation: which for the rest, proceeding after the manner of the Venetian Quarancies, will be in this case perfect Orders.

To return: The first days Election at the Tribe, being as hath been shewn, it is proposed,

That the Squadron of the Tribe, 14.
upon the second day of their assembly, Knights and
elect two Knights and three Burges, Burgesses.
ses out of the Horse of their number,
and four other Burgesses out of the

3

Foot

Foot of their number. That each Knight upon Election forthwith make Oath of Allegiance unto the Commonwealth; or refusing such Oath, the next Competitor in Election to the same Magistracy, making the said Oath, be the Magistrate: the like for the Burgesses. That the Knights thus sworn, have Session in the Senate for the term of three years; and that the Burgesses thus sworn, be of the Prerogative Tribe, or representative of the People for the like term.

Now whereas this Proposition is sufficient for the perpetuation of the Senate and the Assembly of the People, being once instituted, but not sufficient for the full and perfect Institution of them; it necessitateth the addition in this place, not of a permanent order, but of an expedient for the first years Election onely; which may be this:

*Expedient
for the first
years Election.*

That for the full and perfect Institution of the Assemblies mentioned, the Squadron of the Tribe in the first year of the Commonwealth, elect two Knights for the term of one year, two other Knights for the term of two years; and lastly,

lastly, two Knights more for the term
of three years: the like for the Bur-
gesses of the Horse first, and then for
those of the Foot.

By this expedient, the Senate in
fifty Tribes is constituted of three
hundred Knights or Senators, whereof
one hundred through expiration of
their terms, come annually to fall;
and another hundred at the same time
to enter. The like for the Preroga-
tive Tribe, or Assembly of the people,
which consisting in the whole of one
thousand and fifty, suffers the like al-
teration in one third part, or in the
yearly exchange of one hundred and
fifty Burgesses: By which means the
Motion or Rotation of these Assem-
blies is Annual, Triennial, and Perpe-
tual. For the full dispatch of the
foregoing Elections, there remaineth
but one Proposition more, which is
this:

That a Magistrate or Officer e-
lected at the Hundred, be thereby bar-
red from being elected a Magistrate
of the Tribe, or of the first days E-
lection: that no former Election
whatsoever bar a man of the second
days Election at the Tribe, or to be
cho-

15.

Proviso.

R 4

chosen a Knight of Burghs. That a man being chosen a Knight of Burghs, who before was chosen a Magistrate or Officer of the Hundred or Tribe, delegate his former Office or Magistracy in the Hundred or the Tribe, to any other Deputy, being no Magistrate nor Officer, and being of the same Hundred, and of the same Order, that is, of the Horse or of Foot respectively. That the whole and every part of the foregoing Orders for Election in the Parishes, the Hundreds and the Tribes, be holding and inviolate upon such penalties in case of failure, as shall hereafter be provided by Act of Parliament against any Parish, Hundred, Tribe, Deputy or Person so attending.

Without some such Provision as is contained in the former part of this Proposition, men would be inconveniently bar'd of preferment, or the Tribe obliged to return unto the Ballot; and so to spend more time for trifles, then is required by their business.

The fourth The Representative of *Israel* col-
Parallel. lected monethly by the two thousand
2 Chro. 27. out of each Tribe, if we consider what
 Method must have been used in like

E-

Elections, is such as may infer, first, that there were sub-divisions unto that end in each Tribe, perhaps of the nature of our Hundreds and Parishes. Secondly, that there were qualifications in those Elections as to the Patriarchs or chief Fathers, and as to the People with their Captains of thousands and Captains of hundreds: which is enough thus far to embrace and encourage the foregoing Propositions.

The Senate, and the Congregation or Representative of the People, are in every Commonwealth the main Orders: the stairs or degrees of ascent unto these, being now mounted, it remains that I lead unto the rooms of State, or the Assemblies themselves; which shall be performed, first, by shewing their frame; and next, by shewing their uses or functions. To bring you first into the Senate, it is proposed,

That the Knights of the Annual Election in the Tribes, take their places on Sunday next ensuing the last of March, in the Senate. That the like number of Knights, whose Session determineth at the same time

16.
*Frame of
The Senate.*

re;

recede. That every Knight or Senator be paid out of the publick Revenue quarterly, one hundred twenty five pounds during his term of Session, and be obliged to sit in purple Robes.

17.
*Senatorian
Magistrates*

That annually upon reception of the new Knights, the Senate proceed unto Election of new Magistrates and Counsellors. That for Magistrates they elect one General, one Speaker, and two Censors, each for the term of one year; these promiscuously: and that they elect one Commissioner of the great Seal, and one Commissioner of the Treasury, each for the term of three years, and out of the new Knights onely.

This Proposition supposeth the Commissioners of the Seal and those of the Treasury to consist each of three, wheeled by the annual Election of one into each Order, upon a triennial Rotation. For farther explanation of the Senatorian Magistracies, it is proposed,

18.
*The General
sitting
and the
Speaker.*

That the General and Speaker, as Consuls of the Commonwealth, and Presidents of the Senate, be, during the term of their Magistracy, paid
quar,

quarterly five hundred pounds: that the ensignes of these Magistracies be a sword borne before the General, and a Mace before the Speaker: that they be obliged to wear ducal Robes; and that what is said of the General in this Proposition, be understood onely of the General sitting, and not of the General marching.

That the General sitting, in case he be commanded to march, receive field-pay; and that a new General be forthwith elected by the Senate to succeed him in the house, with all the Rights, Ensignes and Emoluments of the General sitting: and this so often as one or more Generals are marching.

That the three Commissioners of the great Seal, and the three Commissioners of the Treasury, using their Ensignes and Habit, and performing their other Functions as formerly, be paid quarterly unto each of them three hundred seventy five pounds.

That the Censors be each of them Chancellour of one University by vertue of their Election: that they govern the Ballot, that they be Presidents

19.

The general marching.

20.

Commissioners of the Seal and of Treasury.

21.

The Censors.

Students of the Council for Religion, that each have a silver wand for the Ensigne of his Magistracy, that each be paid quarterly three hundred seventy five pounds, and be obliged to wear scarlet Robes.

22. *The Signory* That the General sitting, the Speaker, and the six Commissioners abovesaid, be the Signory of this Commonwealth.

This for the Senatorian Magistrates: for Senatorian Councils, it is proposed,

23. *Council of State.* That there be a Council of State consisting of fifteen Knights, five out of each Order of Election; and that the same be perpetuated by the annual Election of five out of the new Knights, or last elected into the Senate.

24. *Council of Religion, of Trade.* That there be a Council for Religion consisting of twelve Knights, four out of each Order, and perpetuated by the annual Election of four out of the Knights last elected into the Senate. That there be a Council for Trade, consisting of a like number, elected and perpetuated in the same manner.

25. *Council of War.* That there be a Council of War, not

not elected by the Senate, but elected by the Council of State out of themselves. That this Council of War consist of nine Knights, three out of each Order, and be perpetuated by the annual Election of three, out of the last Knights elected into the Council of State.

That in case the Senate add nine Knights more out of their own number unto the Council of War, the said Council be understood by such addition to be Dictator of the Commonwealth, for the term of three moneths and no longer, except by farther order of the Senate the said Dictatorial power be prolonged for a like term. 26.
The Dictator.

That the Signory have Session and Suffrage, with right also jointly or severally to propose both in the Senate, and in all Senatorian Councils. 27.
Proposers general.

That each of the three Orders or Divisions of Knights in each Senatorian Council, elect one probost for the term of one week; and that any two Probosts of the same Council so elected, may propose unto their respective Council, and not otherwise. 28.
Provosts, or particular Proposers.

That some fair room or rooms well furnished and attended, be allowed at the 29.
Academy.

the States charge for a free and open Academy unto all comers at some convenient hour or hours towards the evening. That this Academy be governed according unto the Rules of good breeding, or civil conversation, by some or all of the Proposers; and that in the same it be lawful for any man by word or mouth or by writing, in jest or in earnest, to propose unto the Proposers.

From the frame or structure of these Councils, I should pass unto their Functions; but that besides annual Elections, there will be some biennial, and others emergent; in which regard it is proposed, first, for biennial Elections,

30.
Embassadours in ordinary.

That for Embassadours in ordinary, there be four Residences; as France, Spain, Venice and Constantinople: that every Resident upon Election of a new Embassadour in ordinary, remove to the next Residence in the Order nominated, till having served in them all, he return home. That upon Munday next ensuing the last of November, there be every second year elected by the Senate some fit person, being under thirty five years of

of age, and not of the Senate nor of the popular assembly: that the party so elected, repair upon Munday next ensuing the last of March following, as Embassador in ordinary unto the Court of France, and there reside for the term of two years, to be computed from the first of April next ensuing his Election. That every Embassador in ordinary be allowed three thousand pounds a year during the term of his Residences; and that if a Resident come to dye, there be an extraordinary Election into his Residence for his term, and for the remainder of his remotes and progress.

That all emergent Elections be made by Scrutiny, that is, by a Council, or by Commissioners proposing, and by the Senate resolving in the manner following: That all field Officers be proposed by the Council of War: that all Embassadors extraordinary be proposed by the Council of State: that all Judges and Sergeants at Law be proposed by the Commissioners of the great Seal: that all Barons and Officers of trust in the Exchequer, be proposed by the Commissioners of the Treasury: and that

31.

Emergent
Elections

that such as are thus proposed, and approved by the Senate, be held lawfully elected.

These Elections being thus dispatched, I come unto the Functions of the Senate; and first, unto those of the Senatorian Councils: for which it is proposed,

32. *Function of the Senatorian Councils.* That the cognizance of all matter of State, to be considered, or Law to be enacted, whether it be Provincial or National, Domestick or Forraign, appertain unto the Council of State. That such Affairs of either kinde, as they shall judge to require moze secrecie, be remitted by this Council, and appertain unto the Council of War, being for that end a select part of the same. That the cognizance and protection both of the National Religion, and of the Liberty of Conscience equally established in this Nation, after the manner to be shewn in the Religious Part of this Model, appertain unto the Council for Religion. That all matter of traffick, and regulation of the same appertain unto the Council for Trade. That in the exercise of these severall Functions, which naturally are Senatorian or Authoritative only,

only, no Council assume any other power, then such only as shall be esta-
 ted upon the same by Act of Parlia-
 ment.

That what shall be proposed unto
 the Senate by any one or more of the *33.*
 Signory or Proposers general; Or *Function of*
 what ever was proposed by any two *the Senate.*
 of the Probosts or particular Propo-
 sers unto their respective Council,
 and upon debate at that Council shall
 come to be proposed by the same unto
 the Senate, be necessarily debatable
 and debated by the Senate. That in
 all cases wherein power is derived
 unto the Senate by Law made or by
 Act of Parliament, the result of the
 Senate be ultimate: that in all cases
 of Law to be made, or not already
 provided for by Act of Parliament, as
 War and Peace, levy of Men or
 Money, or the like, the result of the
 Senate be not ultimate. That what-
 soever is resolved by the Senate upon
 a case wherein their result is not ul-
 timate, be proposed by the Senate un-
 to the Prerogative Tribe or represen-
 tative of the people; except only in
 cases of such speed or secrecy, wherein
 the Senate shall judge the necessary
 S Now

Notwells oꝝ opennels in this way of proceeding to be of detrimēt oꝝ danger unto the Commonwealth.

34.

*Function of
the Dictator.*

That if upon the motion oꝝ proposition of a Council oꝝ Proposer General, the Senate add nine Knights, promiscuously chosen out of their own number, unto the Council of War; the same Council as thereby made Dictator, have power of life and death, as also to enact Lawes in all such cases of speed oꝝ secrecy, for and during the term of thre moneths and no longer, except upon new order from the Senate. And that all Lawes enacted by the Dictator, be good and valid for the term of one year and no longer; except the same be proposed by the Senate, and resolved by the people.

This Dictatorian Council (as may already appear) consisteth fundamentally of the Signory, and additionally of nine Knights more emergently chosen, and of the four Tribunes of course, as will appear when I come to speak of that Magistracy. Now if Dictatorian power be indeed formidable, yet this in the first place is remarkable, that the Council here offered for a Dictator, is of far safer constitution

stitution, then what among us, hitherto hath been offered for a Commonwealth; as namely, a Parliament, and a Council in the interim. For here is no interim, but all the Councils of the Commonwealth not only remaining, but remaining in the exercise of all their functions, without the abatement of any; speed and secrecy belonging not unto any of their functions, but to that only of the Dictator. And if this Dictatorian Council have more in it of a Commonwealth, then hath hitherto among us been either practised or offered, by what argument can it be pretended that a Commonwealth is so imperfect through the necessity of such an order, that she must needs borrow of Monarchy, seeing every Monarchy that hath any Senate, Assembly or Council in it, thereby most apparently borroweth more of a Commonwealth, then there is to be found of Monarchy in this Council?

To dismiss this whole Senate with *The fifth*
one Parallel: The institution of the se- *Parallel.*
venty Elders in Israel (as was shewn in the second book) for their number related unto an accident, and a custom thereupon anciently introduced. The

accident was, that the sons of *Jacob* who went into *Egypt* were so many; these first governing their families by natural right, came as those families encreased, to be for their number retained and continued in the nature of a Senatorian Council, while the people were yet in Egyptian bondage. So we having had no like custom, have as to the number no like inducement. Again, the Territory of *Canaan* amounted not to a fourth of our Country; and in government we are to fit our selves unto our own proportions. Nor can a Senate consisting of four Senators, be capable of so many distributions as a Senate consisting of more. Yet we finde in the restitution of the

Sanhedrim by *Jehoshaphat*, that there was *Amariah*, chief in all matters of the Lord, that is, in judgment upon the laws which having been proposed by God, were more peculiarly his matters; and *Zebadiah* chief in all the Kings matters, that is, in political debates concerning Government, or War and Peace. Lastly, *When the children of Ammon made war against Israel, the people of Israel made Jephtha not only captain, but head over them.*

2 Chr. 19.
11.

Judg. 25.
11.
V. 5, 11.

So

So the Judge of Israel, being no standing Magistrate, but elected upon emergences, supplieth the Parallel as to Dictatorian power in a Commonwealth.

Debate is the natural parent of result; whence the Senate throughout Latine Authors is called *Fathers*, and throughout Greek Authors the compellation of a popular assembly is *Men*; as *Men of Athens*, *Men of Corinth*, *Men of Lacedemon*: nor is this custom heathen only, seeing these compellations are used unto the Senate and the people of the Jews, not only by *Steven*, but also by *Paul*, where they begin their speeches in this manner: *Men, brethren, and Fathers*. To come then from the *Fathers* unto the People, Popular Assembly or Prerogative Tribe, it is proposed,

That the *Burgesses* of the annual election returned by the *Tribes*, enter into the *Prerogative Tribe* upon Sunday next ensuing the last of March; and that the like number of *Burgesses* whose term is expired, receive at the same time. That the *Burgesses* thus entered elect unto themselves out of their own number,

two of the horse; one to be Captain and the other to be Cornet of the same: and two of the foot; one to be Captain, the other to be Ensigne of the same, each for the term of three years. That these Officers being thus elected, the whole Tribe or Assembly proceed to the election of four annual Magistrates; two out of the foot, to be Tribunes of the foot; and two out of the horse, to be Tribunes of the horse. That the Tribunes be Commanders of this Tribe in chief, so far as it is a Military body, and Presidents of the same as it is a civil Assembly. And lastly, that this whole Tribe be paid weekly as followeth. Unto each of the Tribunes of the horse, seven pound. Unto each of the Tribunes of foot, six pound. Unto each of the Captains of horse, five pound. Unto each of the Captains of foot, four pound. Unto each of the Cornets, three pound. Unto each of the Ensignes, two pound seven shillings. Unto every horse, man two pound, and to every one of the foot one pound ten shillings.

For the salaries of the Senate and the People together, they amount not unto three hundred thousand pounds

a year; which is cheaper by neer two parts in three, then the chief Magistracy ever did or can otherwise cost: for if you give nothing (*omnia dat qui iusta negat*) men will be their own carvers: But to proceed, it is proposed,

That inferiour Officers, as Captains, Coznets, Ensigns, be only for the Military discipline of the Tribe. That the Tribunes have session in the Senate without suffrage; that they have session in the Dictatorial Council so often as it is created by the Senate of course, and with suffrage. That they be Presidents of the Court in all cases to be judged by the people.

36.

Offices of the Officers.

That Peculate or defraudation of the publick, all cases tending to the subversion of the Government, be triable by this Representative; and that there be an appeal unto the same in all causes, and from all Magistrates, Courts and Councils, whether Patrimonial or Provincial.

37.

Appeal unto the people.

This Judicatory may seem large: *The sixth* but thus the Congregation of Israel *Parallel.* consisting of four hundred thousand, judged the Tribe of Benjamin. Thus *Judg. 20.* all the Roman Tribes judged Coriolar. *Halicar.*

Janotti. *mus.* And thus Duke *Loradano* was tryed by the great Council of *Venice*, consisting yet of about two thousand.

This is as much as I have to say severally of the Senate and the People ; but their main Functions being joynt , as they make one Parliament , it is farther proposed,

38. *The main Function of the Senate.* **That the right of debate, as also of proposing to the people, be wholly and onely in the Senate, without any power at all of result not derived from the people.**

39. *The main Function of the Privogative Tribe.* **That the power of result be wholly and onely in the people, without any right at all of debate.**

40. *Promulgation.* **That the Senate having debated and agreed upon a Law to be proposed, cause promulgation of the same to be made for the space of six weeks before proposition ; that is , cause the Law to be printed and published so long before it is to be proposed.**

41. *Manner of Proposition.* **That promulgation being made, the Signory demand of the Tribunes being present in the Senate, an Assembly of the people. That the Tribunes upon such demand of the Signory**

noye of the Senate, be obliged to assemble the Prerogative Tribe in Arms by sound of Trumpet, with Drums beating, and Colours flying, in any Town, Field or Market-place being not above six miles distant, upon the day and at the hour appointed, except the meeting through inconvenience of the weather, or the like, be prorogued by consent of the Signory and the Tribunes. That the Prerogative Tribe being assembled accordingly, the Senate propose to them by two or more of the Senatorian Magistrates thereunto appointed, at the first promulgation of the Law. That the Proposers for the Senate open unto the people the occasion, motives and reasons of the Law to be proposed; and the same being done, put it by distinct Clauses unto the Ballot of the people. That if any material Clause or Clauses be rejected by the people, they be rehearsed by the Senate, altered and proposed, if they think fit, to the third time, but no oftener.

That what is thus proposed by the Senate, and resolved by the people, be the Law of the Land, and no other,

42.

Act of Parliament.

etc

except as in the case reserved unto the
Dictatorian Council.

The seventh
Parallel.

The Congregation of the People being monethly, and the Representative proposed being annual and triennial, they are each upon Courses or Rotation : the Congregation of *Israel* consisting of twenty four thousand, in which the whole number of the Princes of the Tribes, and of the Princes of the Families, amounting not, I might say, unto one hundred, but will say, unto one thousand ; it follows, that the lower sort in the Congregation of *Israel*, held proportion unto the better sort, above twenty to one. Whereas in the Representative proposed, the lower sort hold proportion unto the better sort but six to four ; and that popular Congregation where the lower sort hold but six to four, is by far the most Aristocratical that is or ever was in any well-ordered Commonwealth, except *Venice* : if you will have that Gentry to be all of one sort, or if you allow them to be of a better and of a meaner sort, not *Venice* excepted. The Sanhedrim made no Law without the
Peo-

People ; nor may the Senate in the Model: but the Sanhedrim with the Congregation, might make Laws; so ^{Ezra 10.} may the Senate in the Model, with the Representative of the People. Last-ly, as the Congregation in *Israel* was held either by the Princes in Person, with their Staves and Standards of the Camp, or by the four and twenty thousand in Military Discipline; so the Representative proposed is in the nature of a Regiment.

Bate me *Venice*, where there is a shadow, and but a shadow of Law made by the Senate (for the Sovereign power is undenyably in the great Council) and *Athens*, where a Law made by the Senate was current, as a probationer for one year before it was proposed unto the people; there neither is nor hath been any such thing in a Commonwealth as Law made by the Senate. That the Senate should have power to make Laws, reduceth the Government unto a single Council; and Government by a single Council, if the Council be of the *Many*, is Anarchy, as in the Assemblies of the Roman people by Tribes, which always shook, and at length ruined

Thucyd.
Lib. 8.

ined that Commonwealth: Or if the Council be of the *Few*, is Oligarchy, as that of *Athens*, consisting of the four hundred, who nevertheless pretended to propose unto five thousand, though they did not. Of which, saith *Thucydides*, *This was indeed the form pretended in words by the four hundred: But the most of them, through private ambition, fell upon that by which an Oligarchy, made out of a Democracy, is chiefly overthrowen; for at once they claimed every one not to be equal, but to be far the chief.* Anarchy, or a single Council consisting of the *Many*, is ever tumultuous, and doth ill even while it means well. But Oligarchy, seldom meaning well, is a faction, wherein each one at strife to make himself, or some other from whom he hopeth for advantage, mars all. There is in a Commonwealth no other cure of these, then that the Anarchy have a Council of some few well chosen and elected by themselves to advise them; which Council so instituted, is the Senate. Or that the Oligarchy have a popular Representative to balance it; which curing both tumult in the rash and heady people, and all those

those corruptions which cause faction-
 oness in the sly and subtle *Few*, a-
 mount unto the proper superstructures
 of a well-ordered Commonwealth;
 as to return unto the example of the
 Oligarchy in *Athens*, where the four
 hundred, whose reign being very short,
 had been as seditious, were deposed,
 and the Sovereignty decreed to a po-
 pular Council of five thousand, with
 a Senate of four hundred annually e-
 lective upon Coursers or Rotation.
 Of this, saith *Thucydides*, *Now first* Lib.8.
(at least in my time) the Athenians
seem to have ordered their State aright,
it consisting of a moderate temper both
of the Few and the Many. And this
was the first thing that after so many
mis-fortunes made the City again to
raise her head. But we in *England* are
 not apt to believe, that to decree the
 Sovereignty unto thousands, were the
 way to make a City or a Nation reco-
 ver of wounds, or to raise her head.
 We have a loathing, we are sick of
 such thoughts. An Assembly of the
 People Sovereign! Nay, and an As-
 sembly of the People consisting in the
 major vote of the lower sort! Why
 sure it must be a dull, an unskilful
 thing.

thing. But so is the Touchstone in a Goldsmiths Shop, a dull thing, and altogether unskilled in the Trade; yet without this, would even the Master be deceived. And certain it is, that a well-ordered Assembly of the People is as true an Index of what in Government is good or great, as any Touchstone is of Gold.

A council, especially if of loose election, having not only the debate, but the result also, is capable of influence from without, of interest from within: there may be a formed, a prejudicated party will haste or cry you from the debate unto the question, and precipitate you upon the result: whereas if it had no power of result, there could remain unto the same no more then debate only, without any byas upon, or diversion of such debate from maturity; In which maturity of unbyassed debate, lyeth the final cause of the Senate, and the whole light that can be given unto a people. But when this is done, if your resolving assembly be not such as can imbibe or contract no other interest then that only of the whole people, all again is lost: for the result of all assemblies goeth principally upon
that

that which they conceive to be their own interest. But how an assembly upon rotation, consisting of one thousand, where the vote is six to four in the lower sort, should be capable of any other interest then that only of the whole people by which they are orderly elected, hath never yet been, nor I beleeeve ever will be shewn. In like distribution therefore of debate and result, consisteth the highest mystery of Popular Government, and indeed the supream law, wherein is contained not only the liberty, but the safety of the people.

For the remainder of the civil part of this Model, which is now but small, it is farther proposed,

That every Magistracie, Office or Election throughout this whole Commonwealth, whether annual or triennial, be understood of consequence to enjoin an interbal or vacation equal unto the term of the same. That the Magistracy of a Knight and of a Burgesse, be in this relation understood as one and the same: and that this order regard onely such elections

43.
Rule for
vacations.

ons as are national or domestick, and not such as are Provincial or Foreign.

44.
*Exception
from the
Rule.*

That for an exception from this Rule, where there is but one elder of the house in one and the same Parish, that elder be eligible in the same without interval; and where there be above four elders of the house in one and the same Parish, there be not above half, nor under two of them eligible at the same Election.

Otherwise the people, beyond all peradventure, would elect so many of the better sort at the very first, that there would not be of the foot or of the meaner sort to supply the due number of the Popular Assembly or Prerogative Tribe; and the better sort being barred subsequent elections by their intervals, there would not be wherewithall to furnish the Senate, the house of the Prerogative Tribe, and the rest of the Magistracies; each of which obstructions is prevented by this exception. Where by the way, if in all experience, such have been the constant temper of the people, and can indeed be no other in reason,

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it is apparent what cause there can be of doubt who in a Commonwealth of this nature must have the leading. Yet is no man barred from any preferment; only industry which ought naturally to be the first step, is first enjoined by this Policy, but rewarded amply; seeing he who hath made himself worth one hundred pounds a year, hath made himself capable of all preferments and honours in this Government. Where a man from the lowest may not rise unto the due pitch of his unquestionable merit, the Commonwealth is not equal; yet neither can the people under the limitations proposed, make choice (as some object) of no other then high-shoon; nor have they at any time been so inclining to do, where they have not been under such limitations. Be it spoken, not to the disparagement of any man, but on the contrary to their praise whose merit hath made them great, the people of *England* have not gone so low in the election of an House of Commons, as some Prince hath done in the election of an house of Lords. To weigh election
T by

by a Prince with election by a People, set the Nobility of *Athens* and *Rome* by the Nobility of the old Monarchy, and an House of Commons freely chosen by the Nobility of the new. There remaineth but the *Quorum*, for which it is proposed,

45. *The Quorum.* **That throughout all the Assemblies and Councils of this Commonwealth, the Quorum consist of one half in the time of health; and of one third part in a time of sicknesse, being so declared by the Senate.**

How the City-Government without diminution of their priviledges, and with improvement of their Policy, may be made to fall in with these orders, hath elsewhere been shewn in part, and may be considered farther at leasure. Otherwise the whole Commonwealth, so far as it is meerly civil, is in this part accomplished. Now as of necessity there must be a natural man, or a man indued with a natural body, before there can be a spiritual man, or a man in capacity of divine contemplation: So a Government must have a civil part, before it can have a religious part. And if a
man

man but of natural parts can never be so stupid as not to have some reflection upon Religion, much less a Commonwealth; which necessitateth the Religious part of this Model.

CHAP. II.

Containing the Religious Part of this Model proposed practicably.

THere is nothing more certain or demonstrable unto common Sense, then that the far greater part of mankind, in matter of Religion, give themselves up unto the publick leading. Now a national Religion rightly established, or not coercive, is not any publick driving, but onely the publick leading. If the publick in this case may not lead such as desire to be led by the publick, and yet a party may lead such as desire to be led by a party; where would be the liberty of Conscience as to the State? which certainly in a well-ordered Com-

T 2 mon-

monwealth, being the publick Reason, must be the publick Conscience. Nay, where would be the liberty of Conscience as to any party, which should so proceed as to shew, that without taking the liberty of Conscience from others, they think not that they can have it themselves? If the publick refusing the liberty of Conscience unto a party, would but be the cause of tumult, how much more a party refusing it unto the publick? And how, in case of like tumult, should a party defend their liberty of Conscience, or indeed their throats from the whole or a far greater party, without keeping down or tyrannizing over the whole or a far greater party by force of arms? These things being rightly considered, it is no wonder that men, living like men, have not been yet found without a Government, or that Government hath not been yet found without a national Religion; that is, some orderly and known way of publick leading in divine things, or in the worship of God.

A national Religion being thus proved necessary, it remaineth that

I prove what is necessary unto a national Religion, that is, as to the State, or in relation unto the Duty of the Magistrate.

Certain it is, that Religion hath not seen Corruption but by one of three causes; some interest therewithal incorporated, some ignorance of the truth of it, or by some complication of both. Nor was ever Religion left wholly unto a Clergie that escaped these causes, or their most pernicious effects; as in *Rome*, which hath brought Ignorance to be the Mother of Devotion, and indeed Interest to be the Father of Religion. Now the Clergie not sayling in this case to be dangerous, what recourse but to the Magistrate for safety? especially seeing these causes, that is, Interest and Ignorance, the one deriving from evil Laws, the other from the want of good education, are not in the right or power of a Clergie, but of a Magistracy. Or if so it be that Magistrates of bounden duty ought to be *nursing fathers and nursing mothers* unto the Church, how shall a State in the sight of God be excusable, that taketh no heed or care lest Religion suffer by causes, the prevention or

Isa. 49.23.

remedy whereof is in them onely ? To these therefore it is proposed,

46. *universities.* **That the Universities being piously reformed, be preserved in their rights and endowments, for and towards the education and provision of an able Ministry.**

We are commanded by Christ to *Joh. 5. 39.* **search the Scriptures.** The Scriptures are not now to be searched but by skill in Tongues. The immediate gift of Tongues is ceased; How then should skill in Tongues be acquired but mediately, or by the meanes of Education ? How should a State expect such Education, (especially for a matter of ten thousand men) that provideth not for it ? And what provision can a State make for such Education, but by such Schools so endowed and regulated, as with us are the Universities ? These therefore are a necessary step towards the prevention of such Ignorance or Interest, as through the infirmities or byas of Translators, Interpreters and Preachers, both have and may frequently come to be incorporated with Religion ; as also unto the improvement or acquisition of such light as is by the command of Christ

to

to be attained or exercised in searching the Scriptures.

The excellent learning of the *Levites* in all kindes, not ordinarily infused, but acquired, there having been among them *as well the teacher as the scholar*, leaveth little doubt but their forty eight **Cities** were as so many Universities. These with their Suburbs or Endowments contained in the whole (each of their Circuits in Land reckoned at four thousand cubits deep) about an hundred thousand Acres; that is, if their measure were according to the common cubit; if according to the holy cubit (as with *Levites* was most likely) twice so much; which at the lowest account I conceive to be far above the Revenues of both our Universities.

These being ordered as hath been said, it is proposed,

That the legal and ancient provision for the national Ministry be so augmented, that the meanest sort of Livings or Benefices, without devaluation from the greater, be each imputed to the revenue of one hundred pounds a year at the least.

47.
Augmentation of Livings.

*The ninth
Parallel.*

This, in regard the way is by tythes, cometh up so close unto the Orders of *Israel*, as in our days may shew that a Commonwealth may come too near that pattern to be liked. We find not indeed that the Apostles either took or demanded Tythes; in which case the Priests who were legally possessed of them, might have had suspicion that they, under colour of Religion, had aimed at the violation of propriety. But putting the case that generally the Priests had been converted unto the Christian Faith, whether would the Apostles for that reason have enjoined them to relinquish their Tythes? Or what is there in the Christian Religion to favour any such surmise? To me there seemeth to be abundantly enough to the contrary. For if the Apostles stuck not to comply with the Jews in a Ceremony which was of meer humane invention, and to introduce this, as they did Ordination by imposition of hands into the Christian Church; that they would, upon like inducement, have refused a standing Law, undoubtedly Mosaical, is in my opinion most improbable. So that, I conceive, the
Law

Law for Tythes in being , may or may not be continued, at the pleasure of the Law-givers , for any thing in this case to the contrary. Confident I am, that the introducing of this Model in the whole, which is thought so impracticable, were not unto willing minds so difficult a work as the abolition of Tythes.

But Benefices , whether by way of Tythes or otherwise , being thus ordered, it is proposed,

That a Benefice becoming void in any Parish, the Elders of the same may assemble and give notice unto the Vice-Chancellor of either University by Certificate, specifying the true value of that Benefice : that the Vice-Chancellor upon receipt of such Certificate, be obliged to call a Congregation of his University : that the Congregation of the University to this end assembled , having regard unto the value of the Benefice, make choice of a person fitted for the Ministerial Function, and return him unto the Parish so requiring : that the Probationer thus returned unto a Parish by either of the Universities, exercise the Office , and receive the

48.
Ordination.

Be

Benefits as Minister of the Parish
 for the term of one year : that the
 term of one year expired, the Elders
 of the Parish assemble and put the
 election of the Probationer unto the
 Ballot : that if the Probationer have
 three parts in four of the Balls or
 Votes in the affirmative, he be there-
 by ordained and elected Minister of
 that Parish ; not afterwards to be de-
 graded or removed, but by the Censors
 of the Tribe, the Phylarch of the
 same, or the Council of Religion in
 such cases as shall be unto them re-
 served by Act of Parliament. That
 in case the Probationer come to fail
 of three parts in four at the Ballot, he
 depart from that Parish ; and if he
 return unto the University, it be with-
 out diminution of the former Offices
 or Preferments which he there en-
 joyed, or any prejudice unto his future
 preferment : and that it be lawful
 in this case for any Parish to send so
 often unto either University, and be
 the duty of either Vice-Chancellor
 upon such Certificates to make re-
 turn of different Probationers, till
 such time as the Elders of that Pa-
 rish have fitted themselves with a
 Mi-

spinister of their own choyce and liking.

In case it were thought fit, that a Probationer thus elected, should, before he depart, receive imposition of hands by the Doctors of the Universitie; I cannot see what the most scrupulous in the matter of Ordination could find wanting. But be this so, or otherwise. The Universities by proposing unto the Congregation in every Parish, do the Senatorian Office; and the people thus fitting themselves by their Suffrage or Ballot, reserve that Office which is truly popular, that is, the result unto themselves.

Moses, (for so far Divines reach *The tenth* at Ordination) in the institution of *Parallel.* the Senate of *Israel*, wherein he can never be proved to have used imposition of hands, doing the Senatorian Office, *Deut. I.* caused the people to take wise *Numb. II.* men, and understanding, and known *Act. I.* among their Tribes, whereof the lot fell upon all but *Eldad* and *Medad*. And the Apostles doing the Senatorian Office, in like manner, without imposition of hands, caused the whole Congregation to take two, whereof the lot of Apostle-*A& I. 26.* ship

See Book 2.
chap. 8.

ship fell upon *Matthias*. So that this way of Ordination being that which was instituted by *Moses*, and the prime of those which were taken up by the Apostles, is both Mosaical and Apostolical. Nor hath a well-ordered Commonwealth any choyce of those other ways of Ordination, used by the Apostles in complaisance unto worse Government, but is naturally necessitated unto this, that is, unto the very best.

Ordination being thus provided for, it is proposed,

49.
National
Religion,
and provi-
sion against
scandalous
Ministers.

That the National Religion be exercised according to a Directory in that case to be made, and published by Act of Parliament. That the National Ministry be permitted to have no other publick preferment or office in this Commonwealth. That a National Minister being convicted of ignorance or scandal, be movable out of his Benefice by the Censors of the Tribe, under an appeal unto the Phylarch, or to the Council for Religion.

50.
Liberty of
Conscience

That no Religion being contrary unto or destructive of Christianity, nor the Publick exercise of any Religion,

gion, being groundd upon or incor-
porated into a foreign interest, be
protected by or tolerated in this State.
That all other Religions, with the
Publick exercise of the same, be both
tolerated and protected by the Coun-
cil of Religion; and that all Profes-
sors of any such Religion, be equally
capable of all Elections, Magistra-
cies, Preferments, and Offices in
this Commonwealth, according unto
the Orders of the same.

Upon the whole of these Proposi-
tions touching Church-Discipline.
Thus neither would the party that is
for gifted men, through ignorance
(which else in all probability they
must) lose Religion; nor the Clergy
corrupt it through interest. But
decency and order with the liberty
of conscience, would still flourish to-
gether, while the Minister hath a pre-
ferment he sought, the Parish a Mini-
ster they chose, the Nation a Religion
according to the Publick Conscience,
and every man his Christian liberty.
He therefore that endeavours to con-
fute this chapter, must either shew
how these things may be omitted, or
more effectually provided for, or
tythe

tythe Mint and Cumine, and neglect the weightier things of Law-giving.

A Commonwealth having in the establishment of Religion, made resignation of her self unto God, ought in the next place to have regard unto the natural means of her defence; which introduceth the Military part of this Model.

CHAP.

CHAP. III.

*Containing the Military part of this
Model proposed practicably.*

THe Military part, on which at present I shall discourse little, consisteth in the Discipline of the Youth, that is, of such as are between eighteen and thirty years of age : and for the Discipline of the Youth it is proposed,

That annually upon Wednesday § 1.
next ensuing the last of December, *Discipline*
the Youth of each Parish (under the *of the*
inspection of the two Overseers of *Youth.*
the same) assemble and elect the fifth
man of their number, or one in five of
them, to be for the term of that year,
Deputies of the Youth of that
Parish.

That annually on Wednesday next § 2.
ensuing the last of January, the said *Their*
Deputies of the respective Parishes *Troops and*
meet at the Capital of the Hundred *Sports.*
(where

(where there are Games, and Prizes allotted for them, as hath been shewed elsewhere :) that there they elect to themselves out of their own number, one Captain, and one Ensigne. And that of these Games, and this Election, the Magistrates and Officers of the Hundred be Presidents, and Judges for the impartial distribution of the Prizes.

53.

Their Squadrons and exercises.

That annually upon Wednesday next ensuing the last of February, the Youth through the whole Tribe thus elected, be received at the Capital of the same, by the Lieutenant as Commander in Chief, by the Conduktor, and by the Censors; that under inspection of these Magistrates, the said Youth be entertained with more splendid games, disciplined in a more Military manner, and divided by lot into sundry parts, or Essays, according to Rules elsewhere given.

54.

The second Essay, or the standing Army.

That the whole Youth of the Tribe thus assembled, be the first Essay. That out of the first essay, there be cast by lot two hundred horse, and six hundred foot: that they whom their friends will, or themselves can mount, be accounted horse, the rest foot.

foot. That these forces amounting in the fifty Tribes to ten thousand horse, and thirty thousand foot, be allwaies ready to march at a weeks warning : and that this be the second Essay, of the standing Army of the Commonwealth.

That for the holding of each Province, the Commonwealth in the first year assigne an Army of the ^{55.} Provincial guards, consisting of seven thousand five hundred foot, and one thousand five hundred horse. That for the perpetuation of these Provincial Armies of Guards, there be annually, at the time and places mentioned, cast out of the first essay of the Month in each Tribe ten horse, and fifty foot, that is, in all the Tribes five hundred horse, and two thousand five hundred foot for Scotland, the like for Ireland, and the like of both orders for the Sea-Guards, being each obliged to serve for the term of three years upon the States pay.

The standing Army of the Commonwealth consisting thus of forty thousand (not Souldiers of fortune not in body nor in pay) but Citizens at their vocations or trades, and yet

ll

upon

upon command in continual readi-
ness: and the Provincial armies each
consisting of nine thousand in pay
in body, and possessed of the avenues
and places of strength in the Province,
it is not imaginable how a Province
should be so soon able to stir, as the
Commonwealth must be to pour
forty thousand men upon it, besides
the Sea-guards. Nor cometh this
Militia thus constituted, except upon
marches, unto any charge at all; the
standing Army having no pay, and
the Provinces, whereof the Sea
thus guarded will be none of the
poorest, maintaining their own
guards. Such is the military way of
a Commonwealth, and the constitution
of her Armies, whether levied by
suffrage, as in *Rome*; or lot, as in
Israel.

*The ele-
venth Pa-
rallel.
Judg. 20. 9.*

We will go up by lot against Gibeah.

Standing Forces being thus esta-
blished: for such as are upon emer-
gent occasions to go forth, or march,
it is proposed,

56.

*The third
Essay, or Ar-
my march-
ing.*

**That the Senate and the People,
or the Dictator, having decreed or de-
clared War, and the Field Officers
being appointed by the Council of
War;**

War; the General by Warrant issued unto the Leutenants of the Tribes, demand the second Essay, or such part of it as is decreed; whether by way of levy or recrute. That by the same warrant he appoint his time and Rendezvous: that the severall Conductours of the Tribes deliver him the forces demanded, at the time and place appointed. That a General thus marching out with the standing Army, a new Army be selected out of the first Essay as formerly, and a new General be elected by the Senate; that so alwaies there be a General sitting, and a standing Army, what Generals or Armies soever be marching. And that in case of invasion the bands of the Elders be obliged unto like duty with those of the Youth.

That an only Son be discharged of these duties without prejudice. That of two Brothers there be but one admitted to foreign service at one time. That of more Brothers, not above half. That whoever otherwise refuseth his lot, except upon cause shewn he be dispensed withall by the Phylarch, or upon penitence be by

57.

Pœna
ἀσέβεια;
or the
Guardian
of Education and Liberty.

them pardoned and restozed, by such refusal be uncapable of electing, or being elected in this Commonwealth; as also that he pay unto the State a fifth of his revenue for protection, besides taxes. That Divines, Physicians, and Lawyers, as also trades not at leasure for the Estates, be so far forth exempted from this Rule, that they be still capable of all preferments in their respective professions, with indemnity, and without military education or service.

A Commonwealth whose Militia consisteth of Mercenaries, to be safe, must be situated as *Venice*, but can in no wise be great. The industry of *Holland* is the main revenue of that State; whence not being able to spare hands unto her Armes, she is cast upon strangers and mercenary forces, through which we in our time have seen *Amsterdam* necessitated to let in the Sea upon her, and to become (as it were) *Venice*. Unto a Popular Government that could not do the like, Mercenary Armes have never failed to be fatal; whence the last Proposition is that which in every well-ordered Commonwealth hath been

looked

looked unto as the main guard of liberty.

In this Israel was formidable be-^{The twelfth} yond all other Commonwealths with^{Parallel.}

a kind of fulmination. *Saul* when he heard the cruelty of *Nahash* the Ammonite, at the leaguer of *Jabesh-Gilead*, took a yoke of oxen and hewed^{1 Sam. 11.} them in pieces, and sent them through-^{7.}

out the coasts of Israel, by the hands of messengers, saying, *Whosoever cometh not out after Saul, and after Samuel, so shall it be done unto his oxen.* Which amounted not only unto a confiscation of goods (the riches of the Israelites lying most in their Cattle) but unto a kind of Anathema, as more plainly appeareth, where it is said, *Curse ye Meroz, curse ye bitterly the inhabi-*^{Judg. 5.}

tants thereof, because they came not forth to help the Lord against the mighty. Nay this (*a'segitia*) desertion of the military orders and services in Israel, was sometimes punished with total extermination, as after the victory against *Benjamin*, where the con-^{Judg. 21.}gregation or Political Assembly of that peop'e, making inquisition *what one of the Tribes of Israel came not up to the Lord in Mizpeh* (the place

where before the taking of *Jerusalem*, they held, as I may say, their Parliaments) and finding that *there came none to the camp from Jabesh-Gilead*, sent thither twelve thousand men of the valiantest, saying, Go and smite the inhabitants of *Jabesh-Gilead* with the edge of the sword, with the women and the children: which was done accordingly.

But by this time men will shrink at this as a dreadful order, and begin to compute that a Commonwealth, let her Prerogatives for the rest be what they will, must at this rate be but a dear purchase: whereas indeed, if this way cost something, there is no other that doth not hazard all; forasmuch as discarding this order, play your game as you can, you are sometime or other a prey to your enemies, or to your mercenaries. This certainly is that root in (the *Penetralia*) the bowels of a Commonwealth, whence never any Court-Arts, or Polish, could attain unto the gallantry or splendour of the education in Popular Governments. For let any man, remembering what it was to be a *Gideon*, a *Miltiades*, a *Timoleon*, a *Scipio*.

Scipio, or a Magistrate in a Commonwealth, consider if there should be no way with us to Magistracy, but by having served three years at Sea, and three years at Land, how the whole face and genius of education, both in the better and in the lower sort, would of necessity be changed in this Nation, and what kind of Magistrates such experience in those services must create unto the Commonwealth. Consider, whether the threatened punishments of this order, albeit through unacquaintance they may at the first sight have some brow, would not, as they have done in other Commonwealths of like structure, even with low spirits, expire in scorn and contempt, or through the meer contemplation of the reward of Honour, nay of the honour it self, in which point where right hath not been done, men, under Governments of this nature, have been much more apt unto heats; as where the men of *Ephraim* fought against *Jephtha*, for an affront in this kind which they conceived him to have put upon them. *Wherefore passedst thou over to fight against the children of Ammon, and didst* Judg. 12.

not call us to go with thee? We will burne thine house upon thee with fire. Nor is this way so expensive of the purse or of blood. Not of the publick purse, because it detesteth mercenaries; nor of the private purse, because the waies of education thus directed, are all assisted with the States pay; so that a man in this road might educate three children cheaper, and to the most solid ends, then he could any one unto trifles in those which among us hitherto have been usual. And as to blood, there is nothing more certain, then that idleness, and her inseparable companion luxury, are exceedingly more wastifull as of the purse, so of health, nay and of life it self, then is war; which neverthelesse this order is such as doth rather prevent then necessitate, in regard that to be potent in Armes is the way of peace. But whereas in a Martial Commonwealth there may be men having exceeded the thirtieth year of their age, who like those of *Ephraim* would yet take it ill to be excluded the lists of honour, and it must also be unto the detriment of the Commonwealth that they should;
for

for these, whom we may call Volunteers, it is proposed,

That upon Warrants issued forth by the General so; recruits or levies, there be an Assembly of the Phylarch in each Tribe; that such Volunteers, or men being above thirty years of age, as are desirous of farther employment in arms, appear before the Phylarch so assembled. That any number of these, not exceeding one moiety of the recruits or levies of that Tribe, may be taken on by the Phylarch, so many of the youth being at the discretion of this Council disbanded, as are taken on of the volunteers. That the levies thus made, be conducted by the Conductor of the respective Tribe unto the Rendezvous appointed. And that the service of these be without other term or vacation, then at the discretion of the Senate and the people, or such instructions unto the General, as shall by them in that case be provided.

Thus much for the Military or defensive part of this Model. For Offences in general it is written, *Wo unto the world because of offences: for it must needs be that offences come, but*

wo

wo to that man by whom the offence cometh. Among offences are offensive wars : now it being out of question, that for the righteous execution of this wo upon him or them by whom the offence cometh, a war may be just and necessary, as also that victory in a just and necessary war, may intitle one Prince or one People unto the Dominion or Empire of another Prince or People ; it is also out of question, that a Commonwealth, unless in this case she be provided both to acquire, and to hold what she acquireth, is not perfect : which consideration bringeth me unto the Provincial part of this Model.

CHAP.

CHAP. IV.

*Containing the Provincial Part of
this Model proposed practically.*

THe word *Province*, is with Roman Authors of diverse sense : By these it is taken sometimes for Magistracy; as that of the Consul, which was called *His Province* : sometime for any Region or Country, in which a Roman Captain or General was commanded to make War; but especially for such a Country as was acquired and held by armes, or by *Provincial Right*. The word is of like diverse use in Scriptures; as where it is said, That *Ahasuerus reigned over an hundred and seven provinces*; by which are understood as well the divisions of the native, as those of the acquired Territories. But where *Tanais the Governour* writeth unto the King of *Assyria* concerning the *Province of Judea*, it is understood a Country

Esth. I. I.
Ezra 5. 8.

try acquired and held by arms ; which cometh to the usual signification of the word with the Romans , it being in this sense that the Governour *Felix* asked *Paul* of *what province he was*, and came to understand that *he was of Cilicia* , then a Province of the Roman Empire : and this signification is that in which I take the word throughout this Chapter.

A^{ct}. 23. 34.

The mighty load of Empire which happened unto the Commonwealth of *Rome* through the Acquisition of many and vast Provinces , is that whereunto the Songs of Poets, and the Saw of more serious Writers attribute the weight which they say over-swayed her. But this Judgment , though in it self right, is not in the manner they take it, to be swallowed without chewing. For how probable it is that the succeeding Monarchy was able to support a weight in this kind, which the Commonwealth could not bear , may at this distance be discerned , in that the Provinces were infinitely more turbulent in the reign of the Emperours, then in that of the Commonwealth, as having a far stronger interest through ambition of attaining unto the

the whole, to tear the Empire in pieces: which they did, while divers Provinces made divers Emperours, which before could not hope to make divers Commonwealths, nor to acquire safety by retreat unto a petty Government. But in this, the acquisition of Provinces devoured the Commonwealth of *Rome*, that she, not being sufficiently fortified by *Agrarian* Laws, the Nobility, through the spoil of Provinces, came to eat the people out of ^{Plutarch} *in* Græch, their popular Balance or Lands in *Italy* by purchases; and the Lands that had been in the hands of the *Many*, coming thus into the hands of the *Few*, of natural and necessary consequence there followeth Monarchy.

Now that *England*, a Monarchy, hath been seized of Provinces, (one of them, while *France* was such, being as great as any one of the Roman) is a known thing; and that the Militia proposed by the present Model, containeth all the causes of greatness that were in that of *Rome*, is to such as are not altogether strangers unto the former, no less then obvious. Now of like causes not to presume like effects, were

were unreasonable. The safety therefore of the foregoing *Agrarian*, as hitherto proposed, or that Lands be divided in their descent, must in this case be none at all, unless there be some stop also given in their Accumulation by way of purchase; lest otherwise the spoil of some mighty Province be still sufficient to eat out the people by purchase.

To submit therefore in this place (for ought I perceive) unto inevitable necessity, it is proposed,

59.
*Additional
propositions
unto the A-
grarian.*

That (great Commonwealths having been overthrown by the spoil of provinces) an estate of two thousand pounds a year in land, be incapable of any Accumulation by way of purchase.

Donations and Inheritances will be fewer then to be dangerous; and as some fall, others will be dividing in their descent. But to resume the discourse upon the *Agrarian* Laws, which because they were not till in this Proposition compleat, remains imperfect. That unto *Agrarian* Laws some standard is of necessity, appeareth plainly enough. This standard in a well-founded Monarchy, must bar re-

recess ; and in a well-founded Commonwealth must but increase. For certain it is, that otherwise each of these policies doth naturally breed that Viper which eateth out the bowels of the Mother : as Monarchy, by Pomp and Luxury, reduceth her Nobility through debt into poverty, and at length unto such a level with the people, upon which no Throne ever stood or can stand : such was the case of this Nation under her latter Princes. And a Commonwealth by her natural ways of frugality, of fattening and coddling up of the people, is apt to bring estates unto such excess in some hands, as eating out the rest, boweth the neck of a free State or City unto the yoke, and exposeth her unto the goad of a Lord and Master ; which was the case of *Rome* under her perpetual Dictators. But why yet must this standard of Land in the present case, be neither more nor less than just two thousand pounds a year ? Truly, where some standard was of necessity to be named, I might as well ask why not this as well as any other ? yet am I not without such reasons why I have pitched upon this, rather than any other,

ther, as I may submit unto the judgment of the Reader in the following Computation or Comparison of the divers effects or consequences of so many different standards, as by the Rules of proportion may give sufficient account of the rest.

Let the dry rent of *England* (that is, at the rate a man may have for his Land without sweating) be computed at ten Millions : This presumed, if you set the standard at ten thousand pounds a year, the whole Territory can come into no fewer then one thousand hands. If you set it at five thousand pounds a year, it can come into no fewer then two thousand hands ; and if you set it at two thousand pounds a year, it can come into no fewer then five thousand hands. It will be said, In which way you please, it will never come into so few hands as are capable of having it : which is certain : yet because the effects in their approaches would be such as may be measured by their extreams, I shall pitch upon these as the readiest way to guide my Computation. The Balance in a thousand hands might affect the Government with an hankering after
Mo-

Monarchy ; in two thousand hands it might usurp it , so as did the Roman Nobility , and thereby cause fewd between the Senate and the People. These not onely in the extreame , but with much of like nature in the approaches.

But letting these passe, as also the numbers or compasse necessary unto the rotation of such a Commonwealth , none of which inconveniences are incident unto the standard of two thousand pounds a year, as that whereby lands can come into no fewer then five thousand proprietors ; we will suppose these standards to be each of them, as to the safety of the Government, indifferently practicable.

Yet so it is upon the record of experience, and wise Authours, that the true cause whence *England* hath been an overmatch in arms for *France*, lay in the communication or distribution of propriety unto the lower sort ; and for the same cause let it be considered, if the Commonwealth upon the standard of two thousand pounds a year (*ceteris paribus*) must not necessarily be an overmatch in the potency of

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her

her Militia for the other two. Such are the advantages, such is the glory of like moderation unto the publick. *Money* (saith my Lord *Verulam*) *is like muck, not good except it be spread.* Much rather in Popular Government is this holding as to land, this having upon the State a far stronger influence, at least in larger Territories, then money; for in such, money while scarce cannot over-balance land; and were silver and gold as plentiful as brasse or iron, they would be no more, nor would land be lesse worth. And for private men, were it not that *it is easier to fill the belly of a glutton then his eye*, not only vertue, but the beatitude of riches, would be apparently consistent in a mean. But what need the Divine or the Philosopher, upon a Doctrine which is not to diminish any mans estate, not to bring any man from the customs whereunto he hath been inured, nor from any emergent expectation he may have, but regards only the generation to come, or the children to be borne seven years after the passing such a law? whence it must needs follow, that putting the case this *Agrarian* be introduced,

duced, it is unto our age as if there were none ; and if there be no *Agrarian*, it is unto our age as if there were one. The difference is no more, then that in the one way the Commonwealth is at all points secured, and in the other she is left unto her fortune even in the main. Of such sovereign effect are like laws, that I would go yet farther, and propose,

That in Scotland the Standard be set at five hundred pounds a year, in Ireland at two thousand pounds a year, in land ; the rest for each as for England.

60.

Agrarian for Scotland and Ireland.

Narrowness of an *Agrarian* for Scotland, being a Martial Countrey, would make the larger provision of a good Auxiliary Militia ; and largeness of an *Agrarian* for Ireland, being less Martial, would cast a sop into the jaws of their avarice, who should think it too much confined at home. And lest the Provincials in this case should think themselves worse dealt withall then the Citizens themselves, the sum of the *Agrarian* Laws being cast up together, any man in the three Nations may hold four thousand five hundred pounds a year in lands, and any small parcel of land,

or meer residence in *England*, maketh a Provincial a Citizen. Should the Commonwealth increase in Provinces, the estates at this rate both of her Citizens and Provincials, would be more and greater then ever were those of the ancient Nobility of these Nations, and without any the least hazard unto liberty. For he who considering the whole story, or that only of the *Gracchi* in *Plutarch*, shall judge aright, must confesse, that had *Rome* preserved a good *Agrarian* but in *Italy*, the riches of her Provinces could not have torn up the roots of her liberty, but to the contrary must have water'd them. It may be said, What need then of putting an *Agrarian* upon the Provinces? I answer: For two Reasons: first, indulgence to the Provincials, and then advantage to the Commonwealth. For the first, it is with small foresight apparent enough, that the avarice of the Citizen being bounded at home, and having no limits in the Provinces, would in a few years eat up the Provincials, and bring their whole Countries (as the Roman Patricians did *Italy*) to found in their fetters, or to be tilled by

by their slaves or underlings. And so for the second, would by such means lose the Commonwealth an Auxiliary Militia, to be otherwise in Scotland only more worth then the Indies. These things therefore thus ordered, it is proposed,

That upon expiration of *Shag*, 61.
Stracy in the Senate, or at the annual *Provincial*
 recess of one third part of the same, *Councils.*
 there be elected by the Senate out of
 the part receding, into each *Provin-*
cial Council, four Knights for the
 term of three years, thereby to render
 each *Provincial Council* (presuming
 it in the beginning to have been con-
 stituted of twelve Knights, divided af-
 ter the manner of the Senate by three
 several lists or elections) of annual,
 triennial, and perpetual revolution or
 rotation.

That out of the same third part of *Provincial*
 the Senate annually receding, there *Governours*
 be unto each *Province* one Knight *or Gene-*
 elected for the term of one year. That *rals.*
 the Knight so elected, be the *Provinci-*
al General or *Governour*. That a
Provincial Governour or *General*
 receive annually in April at his Ren-
 dezvous appointed, the *Month* or *Re-*
crutes

crates elected in the precedent Month, to that end, by the Tribes, and by their Conductours delibered accordingly. That he repair with the said Month of Recrutes unto his Province, and there dismisse that part of the Provincial Guard or Army whose triennial term is expired. That each Provincial Governour have the conduct of Affairs of War and of State in his respective Province, with advice of the Provincial Council; and that he be President of the same.

63.

*Provincial
Provosts.*

That each Provincial Council elect three weekly Proposers, or Provosts, after the manner, and to the ends already shewn in the constitution of Senatorian Councils; and that the Provost of the senour list, during his term, be President of the Council in absence of the General.

64.

*Subordination and
function of
Provincial
Councils.*

That each Provincial Council proceed according unto instructions received from the Council of State, and keep intelligence with the same by any two of their Provosts, for the Government of the Province, as to matter of War or of State. That upon levies of native or proper arms
by

by the Senate, and the people, a Provincial Council (having unto that end received orders) make levies of Provincial Auxiliaries accordingly. That Auxiliary arms upon no occasion whatsoever exceed the proper or native arms in number. That for the rest, the Provincial Council maintain the Provincials, defraying their peculiar guards and council, by such known proportion of tributs, as on them shall be set by the Senate and the People, in their proper Rights, Laws, Liberties, and Immunities, so far forth as upon the merits of the cause whereupon they were subdued, it seemed good unto the Senate and the People to confirm them. And that it be lawful for the Provincials, to appeal from their Provincial Magistrates, Councils, or Generals, to the People of England.

In modeling a Commonwealth, the concernment of Provincial Government comes in the last place; for which cause I conceive any long Discourse upon these Orders to be at present unnecessary: But certain things there are upon the by, which I am unwilling to let slip without pointing at.

Whether men
or money be
the nerve of
war.

Some will have men, some will have money to be the Nerve of War; each of which Positions, in the proper case, may be a Maxime: for if *France*, where the main body of the people is imbas'd; or *Venice*, which standeth upon a Mercenary Militia, want money, they can make no War. But it hath heretofore been otherwise with Commonwealths. Roman Historians (as is observed by *Machiavel*) in their Military preparations or expeditions, make no mention of money, unless what was gained by the War, and brought home into the Treasury; as the spoil of *Macedon* by *Emilius Paulus*, being such, as the people for some years after were discharged of their Tribute. Not that their Wars were made altogether without money; for if so, why should the people at any time before have paid Tribute? Or why, upon this occasion, were they excused? but that the money in which their Wars stood them, was not considerable in comparison of that which is requisite where money may be counted the Nerve of War; that is, where men are not to be had without it. But *Rome*, by ver-

the

tue of her Orders, could have raised vaster numbers of her Citizens and Associates, then perhaps she ever did, though during the Consulate of *Papus* and *Regulus*, she levyed in *Italy* one-ly, seventy thousand Horse, and seven hundred thousand Foot. Should we conceive the Nerve of this Motion to have been money; we must reckon the Indies to have been exhausted before they were found; or so much Brasse to have been in *Italy*, as would have made stones to be as good money. A well-ordered Commonwealth doth these things not by money, but by such Orders as make of her Citizens the Nerve of her Wars. The Youth of the Commonwealth proposed, are esteemed in all at five hundred thousand. Of these there is an annual Band, consisting of one hundred thousand. Of this one hundred thousand, there is a standing Army consisting of thirty thousand Foot and ten thousand Horse, besides such as being above thirty years of age, shall offer themselves as Volunteers; of which the number is no wise likely to be few. To the standing Army, the Provinces, or that onely of *Scotland*, being

ing both Populous and Martial, can afford at any time an equal number of Auxiliaries.

These Orders, thus summed up together, render this Commonwealth ordinarily able to wage War with fourscore thousand men; a Force, which it is known, not any Prince in Christendom is able to match in Vertue, Number or Discipline. For these, the Commonwealth in her Sea-guard hath always at hand sufficient wastage; or at least such a sufficient Convoy as may make any Vessels at hand a sufficient wastage; all this, I say, by vertue of Orders: not but that the March, the Eguipage, the Wastage of so great an Army must cost money, but that it will come to no account in comparison of a lingring War made by a matter of thirty thousand Mercenaries, the very consumption of a State; whereas fourscore thousand men so disciplined and so furnished, as hath been shewn, being once transported, must suddainly come to be no charge, or make the War defray it self.

But to reckon upon such a Militia, were to suppose a large Country capable of being a Commonwealth;

wealth; whereas we hold them learned, who say, That no Commonwealth hath consisted of more then some one City or Town. But in what Language *whether a* or in what Geography are the twelve *common-* Tribes of *Israel*; the (*δῆμοι*) *Peo-* wealth have pledoms or Prytanies of *Athens*; *consisted of* which *Theseus* gathered into one *more then* *one city or* *dy*; the Tribes and Lineages in *Lacedemon* *town.* instituted by *Lycurgus*; the five and thirty Roman Tribes planted between the Rivers *Vulturnus* and *Arno*, or between the Cities now called *Capua* and *Florence*; the thirteen Cantons of the *Switzers*; the seven united Provinces of the *Low-Countries*, understood to have been or to be but one City or Town? Whether were not the people of *Israel* under their Commonwealth six hundred thousand? What reason can be given why the Government that could take in six hundred thousand, might not as well take in twice that number? How much short came the Country, planted by the Roman Tribes, of one hundred and fifty miles square? Or how much over is *England*? And what reason can be given why a Government taking in one hundred and fifty miles square,

square, might not as well take in twice that compass? Whether was our House of Commons under Monarchy not collected from the utmost bounds of the English Territory? And whether had the Laws by them enacted not their free course unto the utmost limits of the same? And why should that be impossible or impracticable unto a Representative of the people in a Commonwealth, which was so facile and practicable to a Representative of the people under Monarchy?

It is a wonder how the Commonwealth of *Rome*, which held as it were the whole World by Provinces, should be imagined by any man to have consisted but of one Town or City.

But to return: It is alledged by others, and as to Provincial Government, very truly, that a Commonwealth may be a Tyranny: Nor do I think that *Athens*, in this point, came short of any Prince: *Rome*, on the other side, was (according to the merits of the cause) as frequent in giving liberty, as in taking it away. The Provinces of *Venice* and of *Switz*, would not change their condition with the Subjects of the best Prince. However, the

the possibility in a Commonwealth of tyrannizing over Provinces, is not to be cured; for be the Commonwealth or the Prince, a State or a Man after Gods own heart, there is no way of holding a Province but by arms.

When the Syrians of Damascus came to succour Hadadezer king of Zobah, David slew of the Syrians two and twenty thousand men: then David put garrisons in Syria of Damascus, and the Syrians became servants to David, and brought gifts: and the Lord preserved David whithersoever he went.

The thirteenth Parallel.
2 Sam. 8. 5. 6.

With this Parallel I draw the curtain, and close (be it Comedy to such as are for Tragedy) this Model; appealing to the present, or the next Age, whether throughout I have not had God Himself for my Vouchee. In the mean time, there is nothing hereby proposed which may not stand with a supreme Magistrate.

See the collary of Oceana.

The.

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The Conclusion:

Shewing how the Model proposed may be proved or examined; and giving a brief Answer unto Mr. Wren's last Book; intituled, Monarchy asserted against Mr. Harringtons Oceana.

For a Nation to be still upon the Sect. 1.
 cast of a Dye, to be ever in That a
 trepidation as to the main Common-
 chance of Government, is a dreadful wealth not
 state of things. Such indeed with us rightly or-
 hath been the Constitution of late Go- dered, is yet
 vernments, of which therefore not less sediti-
 any can be called a Commonwealth. ons then the
 Yet hath the like state of things, in best of Mo-
 favour of Monarchs, and through narchies.
 the industry of the Clergy, been for
 many ages, that whereof Common-
 wealths unheard, are still accused and
 condemned. For proof in this case, the
 Tribunitian storms of the Roman peo-
 ple are thought abundantly sufficient.
 But

But these having been without blood, if with our affairs they hold any Parallel, are not to be compared with the Barons Wars, those of *York* and *Lancaster*, or the like; but with the contelts or strivings of our Parliaments with their Kings, while such strife came not unto arms. Or if the Roman fields from the time of the *Gracchi* grew bloody, we have known a matter of a dozen years, in which ours might have compared with them. The seditions under the Commonwealth of *Rome*, unto those under the Empire, hold such proportion, as the seditions under the Commonwealth of *Israel* unto those under their kings. I am contented at this time, for discourse sake, that the seditions of *Venice* should pass as they are computed by Mr. *Wren*: let those also which have happened in the Commonwealths of *Switz*, and of the united Provinces, by the skill of some man who may be thought more impartial than my self, be rightly enumerated and added. This being done, let the seditions that have happened in the Monarchies of *England*, *France* and *Spain*, be as impartially summed up; and I may venter to promise you,
That

See Book
2. chap. 4.

That you shall not finde the sum of the seditions which have happened in those three Commonwealths, to balance the foot of the account with those seditions which have happened in any one of those Monarchies; nor are we without sufficient inducement to believe, that the whole account in this particular, of those Commonwealths which have been in the world, can come any whit neerer unto that of the Monarchies. But this being so, be it also that a Commonwealth is a seditious Government, yet must it be the least seditious Government. The Republick of *Corinth* never suffered but that one sedition which is described by *Xenophon*; and this too from an external cause.

Plutarch.
Lib. 4.

But I am the more confirmed by the Sect. 2. Assaults of Mr. *Wren*, to have no less *That Mr.* then demonstrated in the proposed *VVrens op-* Model, that a Commonwealth rightly *position of* ordered, is altogether incapable of *popular pru-* sedition, and so consequently of disso- *dence, a-* lution, that is, from any internal cause. *mounteth* To render his intire Confutation, and *unto confir-* the truth of this assertion the more *mation of it.* conspicuous, I shall first insert those Rules or Maximes whereby a Model

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of

of a Commonwealth may be exactly proved or examined, and then shew how they totally enervate and overturn those Arguments adoperated by Mr *Wren* towards the examination and confutation of the Model proposed.

How a Model of popular Government may be tried or examined.

The Maximes or Rules whereby a well-ordered Model of popular Government may be most exactly proved or examined, are especially two :

1. *It must be wholly void of any contradiction or inequality.*
2. *It must be such in which no number of men having the interest, can have the power or strength : and no number of men having the power or strength, can have the interest to invade or disturb the Government.*

It is not in Nature that there should be an effect, where there is not the cause of that effect ; and in a frame of Government that is exactly according unto the foregoing Maximes, there can be no cause of sedition or dissolution. A Model of Government therefore that will hold examination by these Maximes, must (with-
out

out ostentation, or with Mr. *Wrens* patience) be perfect.

Now let us observe how he bestirreth himself to examine and confute this Model. As to contradiction, he doth not so much as pretend that there is any guile in it; yet will not allow it to have any truth: For, saith he, *as in a fiction the several members may be so contrived, as not to give one another the lye, but be all contained within the limits of verisimilitude, and yet the whole remain without the least syllable of truth; so in a Model of Government.* To which I answer, That there being a truth of Nature, and a truth of Fact, this way of Mr. *Wrens* disputing is meer equivocation. For the Model is not proposed to shew the truth of Fact, or that there hath been any such exactly in practice; but to shew the truth of Nature, or that such a Model is practicable: wherefore he needeth not to have alledged that it hath not the truth of Fact, which we all know; but was to shew where it faileth of such truth in Nature as can any way render it impracticable. But instead of this, he is gone to the Moon; and will read us a Lecture in Politicks,

Ibid.

by the Planets, or various Hypotheses of Celestial motions, *which may be excogitated including no absurdity in themselves, and yet perhaps not any one of them prove to be the true method of nature.* But may a man therefore argue in this manner: It is very hard to know certainly which are the high-waies of the Planets, therefore there can be no certain knowledge which are the high-waies to *London*? Let us e'en say, Because the rotation of the World may as well go upon the heavens as upon the earth, therefore a man may as well go upon his head as upon his heels, and a Commonwealth as well stand upon a Milk-womans pattins as upon the strongest interest, or the interest of the strongest.

W. p. 179. So much for contradiction. Now for inequality, saith Mr. *Wren*, *Though it should be allowed Mr. Harrington, that his Commonwealth hath none in it, yet would it fail of attaining the perfection of Government, seeing there is an inequality in the nature of man, which is not rectified by the Model of his Commonwealth.* As if the equality of a Government pretended to be such, as should make a crooked man straght

straight, a wicked man good, or a passionate man a Philosopher; and were not perfect in being sufficient to prevent any influence, that wickedness, or passion in a man, or in men, may have upon the Government. But for farther discovery of these inequalities in the nature of man, that are not rectified by the Model, Mr. Wren sendeth us unto his eight and ninth Chapters, where he produceth them in such order, as I shall observe in repeating him. *Whensoever (saith he) under Popular Government the number of those whose offences have rendered them liable unto the severity of Laws, is considerable enough to qualifie them for attempt, Popular Government has no more security then any other, of being free from sedition.* It is very true: but Mr. Wren was obliged to have shewn how in an equal Commonwealth, or under the Model proposed, it were possible that the number of such men should come to be considerable enough to qualifie them for such attempt. But in this kinde he is no otherwise provided then to tell us, *That of this Original and extraction, as to the main, was Catilines attempt upon*

Pag. 84.

the Roman Commonwealth. So undertaking against *Oceana*, or the most equal Commonwealth, he is come to arguing against *Rome*, or the most unequal Commonwealth; and at such a time too, when being no longer capable of liberty, but ready for bonds, there were other parties besides *Catlines*, and others besides such as were obnoxious unto the Laws, that lay in wait for her; as *Pompey* and his party, or at least *Cesar* and his, who at length carried it: so that this feat was not so much performed by men otherwise lyable unto severity of Laws, as by men puffed up by ambition. But let these have been of which sort he will, it remains with him to shew, how there should be of either kinde enough in *Oceana* for a like attempt. It is known that long before this happened in *Rome*, the whole of that Commonwealth was in the hands of three men, *Cesar*, *Pompey*, and *Craesus*: wherefore he should have first shewn, which way the whole of the Commonwealth of *Oceana* might come into the hands of three, or of a few men. But leaving this untouched, he runs making a dust, and a doubt where

where the sovereign power of *Oceana* can be; which even in *Rome*, as unequal as it was, is acknowledged to have been in the Assemblies of the People; and in *Athens*, *Thucydides* Lib. 5. expressly saith, That the sovereignty was in the five thousand: whoever doubted but where the ultimate result is, there also must be the sovereignty? and the ultimate result of *Oceana* is in the Prerogative Tribe, or Representative of the People. Then saith he, *This Representative* Pag. 84. *thinking it their interest, may dissolve the Government, and perpetuate themselves, and may come to think it their interest. For the desire of power being natural to man, a far greater share of power remaineth with every particular man, when the sovereign power is divided among so many, then when the same power is divided among two hundred thousand.* But I shewed that this Representative hath the whole sovereign power in themselves, not divided with any other, or with the five hundred thousand; which I suppose he means by the two hundred thousand he mentions. Now this Representative cannot be understood to have the

sovereign power by over-balance of strength, because they are but one thousand, to five hundred thousand: so it is plain that they have it by consent, or by orders only; wherefore these orders they have not the power, or strength, nor the interest to break, because breaking their orders, by which onely and not by strength the power is in themselves, they come to divide the power that was in themselves, with the five hundred thousand, as they who in defect of the orders have the far greater strength, and no legal bar. Yet saith he, *That a Representative is not incapable of making such an attempt as this, will (it is not improbable) easily find belief with those who are acquainted with the actions of these last eighteen years.* Which is as much as to say, That because a Representative, by and with the people, may have both the interest, and the power or strength to free themselves of a broken Monarchy; therefore a Representative may without and against the people, have both the interest, and the power or strength to break the orders of the most equal Commonwealth. But if the Representative of *Oceana* have

W. P. 85.

have not the power or strength to break their orders, and perpetuate themselves, much less the Senate. True it is, if we look upon some other Commonwealths, a Senate might have the interest to do it; but not where the Senate hath been upon rotation. To adde then unto Mr. *Wrens* faculty of opposition greater strength then is in it; if the Senate of *Oceana* would do any thing of this kind, their readiest way were by creating of the Dictator. The Dictator being created, hath sovereign power in carrying on the orders of the Commonwealth; but those do not perpetuate their power, this therefore cannot be done but by force or arms. The arms of the Commonwealth are both numerous, and in posture or readiness; but they consist of her Citizens: and for the Dictator to bring the Citizen to break the Commonwealth, were for a General to command his Army to cut their own throats. It is true, the Roman *Decemvirs* put in for prolongation; but, though in the most unequal Commonwealth, could not make it stand one year. And for mercenaries there are none in *Oceana*: is this news?
there

there were none in *Israel*, there were none in *Athens*, there were none in *Lacedemon*, there were none in *Rome*, while those Commonwealths flourished. But were there mercenaries, as he might perhaps reckon servants, they are unarmed, undisciplined; they cannot rise, through the vast bodies of Citizens in arms both Elders and Youth; or if they would rise, were nothing in their hands. The Roman slaves, and the Lacedemonian Helots being far of another, and more dangerous nature, never rose against their Lords, but to their own destruction. All this while I say nothing of the security which is in the frame of this Dictator, beyond any example or interest of prolongation to be found either in the Roman Dictator or the Venetian Council of ten, each whereof having had like power, did never discover any such inclination. It is true, that in the time of *Sylla*, the Roman Dictator began to be perpetual; but this is not to be attributed so much unto the imperfection of the order, as to the change of the balance. But if the Dictator of *Oceana* cannot have the interest, or having the

the interest cannot have the power or strength to perpetuate that Magistracy, much less can the Senate.

The summe of what hath been said, may be thus cast up, as to the whole constitution. If things or persons that have neither the right nor the might, may prevail against things and persons who have both the right and the might; then may one order of this Commonwealth break the whole systeme: but the might through the foundation or popular balance of propriety being in the whole people, and the whole superstructures of this Commonwealth being nothing else but an equal distribution of common right unto the whole people, who are possessed of the might; they who have the might, have not the interest to break, but to preserve the orders, which therefore no other can have the power or strength to break, or some other breaking, must but lose that which they pretend to gain; the right which in this case must still fall unto the might, devolving upon the people. That Mr. Wren will needs fancie the Tribes or Cities in *Oceana*, as those in the united Provinces, or the

W. p. 87.

the *Cantons* of *Switz* to be distinct so-
veraignties, concerns not me, seeing
the form of *Oceana* is far otherwise;
nor indeed him, seeing neither do the
Cities in *Holland*, nor the *Cantons* in
Switz go about to dissolve their Com-
monwealths or Leagues. The Cham-
pion having thus failed at the head, is
contented to play low. *Though there*

W. p. 181. *be care taken* (saith he) *that at the As-*
sembly of the Hundred and the Tribe,
such and such Magistrates should be
electd out of the Horse, there is no ne-
cessary provision there should be any
Horse there, out of which to elect. And
where can they be then, if not in some
Parish? He might better have said,
that at the Parish there was no care
taken, that the people should not e-
lect too many of the Horse, which be-
ing indeed the defect of the former,
is in this Edition rectified. His last

See the pro-
position 44.

exception is against the place where
I say, that *They who take upon them*
the profession of Theology, Physick or
W. p. 183. *Law, are not at leasure for the Essaies,*
whereby the Youth commence for all
Magistracies and Honours in the Com-
monwealth. To which reason he of-
fers not so much as any answer: nor pre-

pretends any other argument against it, then that this excludes Divines, Lawyers and Physicians, from those Honours unto which their Parish Clerkes, their Scriveners, and their Apothecaries, nay Farriers and Cobblers may attain. And what can I help that, if it ought neverthelesse so to be, for a reason which he cannot answer? Nay, if so it be in common practice where the reason is nothing neer so strong, seeing a Parish Clerk, a Scrivener, an Apothecary; nay a Cobbler or a Farrier, is not incapable of being of the Common-Council, nor yet of being an Alderman or Lord Maior of *London*; which neverthelesse that a Divine, a Lawyer, or a Physician should be, were absurd to think. Divines have a plough from which they ought not to look back: they have above a tenth of the Territory, with which they ought to be contented; and more then all, civil interest contracted by a Clergy, corrupts Religion. For Lawyers, their practice and Magistracies are not onely the most gainful, but for life; and in a Commonwealth, neither is accumulation of Magistracie just or equal, nor the con-
foun-

Verulam
de aug.
Scien. lib.
8. cap. 3.

founding of executive and legislative
Magistracie safe. Will Mr. *Wren* be-
lieve one of our own Lawyers, and
one of the learnedst of them upon this
point? It is my Lord *Verulam*: *They*
(saith he) *who have written (de legibus)*
of Law-making, have handled this Ar-
gument as Philosophers, or as Lawyers.
Philosophers speak higher then will fall
into the capacity of practice. (to which
may be referred Plato's Common-
wealth, Sir Thomas More's Utopia,
with his own Atlantis) and Lawyers be-
ing obnoxious, and addicted each unto the
Laws of their particular Country, have
no freedom nor sincerity of judgment,
but plead as it were in bonds. Certain-
ly the cognizance of these things is most
properly appertaining unto political per-
sons, who best know what standeth with
humane society, what with the safety of
the people, what with natural equity, with
ancient prudence, and with the different
constitution of Commonwealths. These
therefore, by the principles and precepts
of natural equity and good policie, may
and ought to determine of Laws. For
Physitians, who (as such) have in the
management of State-affairs no pre-
judice; if you open them the door,
they

they will not at all, or very rarely, come in; whereby it appeareth, first, that such a bar may in some cases be no violation of liberty. And secondly, that such who for better causes might be as well satisfied, and for more unanswerable Reasons ought to forbear, yet are impatient, give a full testimony that their meaning is not good.

Thus is the Commonwealth by Mr. *Wren* opposed, by him asserted. There remaineth no more unto the full confutation of his Book, then to shew how the Monarchy by him asserted is by him destroyed. This is to be done by examination of his ninth Chapter, which is the next of those unto which he referred us.

The opposition made by Mr. *Wren* Sect. 3. unto a Commonwealth, and his pretended asserting of Monarchy, run altogether upon Mr. *Hobbeses* principles, and in his very words; but through the want of understanding, much enervated: so that Mr. *Wrens* whole feat of Arms cometh but to have given me a weaker Adversary for a stronger. *In Sovereignty* (saith he) *the diffused strength of the multitude is united in one person; which in a Monarchy is a*

That Mr. VVrens assertion of Monarchy amounteth unto subversion of it.

VV. p. 97.

na-

joyned? If these be small Armies, the like may befall them, which befall those of the Kings in the Wars of the Barons. And if they be great Armies, the Prince hath not wherewithall to support or content them; nay if he had, Mr. Wren telleth us plainly,

W. p. 106. *That Princes who keep great Armies, as Guards to their persons or Empires, teach us that this is to walk upon precipices; there being no possibility of preventing such an Army (especially if they lie still without employment) from acquiring an interest distinct from that of the Prince. Wherefore to follow Mr. Wren & no other leader in his own words against himself. This Militia being great, cannot be so instituted, as to have no interest besides the pay it receiveth from the Monarch, nor so as to have no hopes of being safe in their own strength, if they should withdraw themselves from the service and obedience due unto him: and being not great, against the whole order or orders of the Nobility and the People, they cannot be sufficient. What then remaineth but to say, that Mr. Wren having declared, The perfection of Monarchical Government to consist in a*

mix.

mixture of a Monarchy by a Nobility, and a Monarch by arms, hath as to his Model intirely subverted Monarchy? In this way of disputing, I have rather followed my leader then reason; the true answer being that which was given in the Preface, namely, that an Army to be effectual in *England*, must be such where the Officers have popular estates, or where they have such estates as had the ancient Nobility: in the latter case, they make a King; in the former, a Commonwealth. But Mr. *Wren* will have his own way; and therefore, to conclude, let me but desire him to lay his hand upon his heart, and then tell me, whether the condition of the Nobility (to whose favour in my exclusion he pretends a Meritorious title) sharing eminently and according to their rank with the people or the *high-shoon* (as he pleaseth to call them) in the Commonwealth by me proposed; or the condition of the Nobility under the insolence and burden of a Mercenary Army, sharing equally with the *high-shoon* in oppression and slavery, or reviving the old Barons Wars for new liberty, in the Monarchy by him proposed; be the

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Ibid.

more desirable. And to speak a word for my adversary, we will submit it wholly unto the present Nobility, whether *Mr. Wren* or I be so extravagant in these things, that they have, or can have any other then the like choice. Yet enters not *Mr. Wren* into despair of living to enjoy his share (which ought to be a good one) of the felicities which will belong unto the Subjects of such a Government. He looks upon persons, but things are invincible.

The rest of his Book (to which, *The Prerogative of Popular Government*, is still a compleat answer) consisteth altogether of grosse evasion or invective, or of drawing out of story against Popular Prudence such imaginary swords as do but stand bent. To rectifie or streighten these, I may hereafter present him (if any man shall think it worth the while) with a fuller answer.

An



An Appendix

Concerning an House of Peers.

NOr a man knowing in what is of necessity unto the foundation or being of Popular Government, can hope or expect the introduction of any such form, where Monarchy is not impracticable. They, where Monarchy is impracticable, who come first to discover it, and be convinced of it, if reason be not altogether deposed, are inevitable leaders. Hence it is that our Commonwealths-men are already renowned throughout this Nation, for their invincible reason, even by confession of their opponents, or such as proceed nevertheless in other waies. But where seed is so well sown and rooted, intervening possession and interests, are like such weather as holding back the Spring, but improves the Harvest; it may indeed be a chill season unto

Commonwealths-men, but upon the Commonwealth must bestow fermentation. Had our incomparable assertors of publick liberty, shot up before an universal eviction, of the necessity which enforceth their cause, it must have been through such reluctance, as would have made them glad to do things by the halves, which is the only rock to a rising Commonwealth, of scandal or danger; the whole being such against which there is nothing to be alledged, and the halfe such as is easily confuted. These things considered, what appearance is there, but it must redound unto the greater advantage of our Commonwealths-men, that we are under a Vogue which abhorreth the very name of a Commonwealth? Seeing by this means one of two things must of necessity come, and come shortly unto publick view or discovery; either that Monarchy is practicable, or that it is not practicable; that is, in our state of affairs, or in this present distribution of the balance. If Monarchy be found practicable, Commonwealths-men are satisfied in their Consciences, and so ready in fair waies

waies to return, and submit not only for wrath, but for conscience sake. But (let Divines cry Atheism, and Lawyers Treason) if it be discovered once unto common understanding that Monarchy is impracticable, then in cometh the Commonwealth, not by halves, but with all her Tackling, full sail, in her Streamers, and with Top and Top-Gallant.

The waies whereby it is at hand to be discovered whether Monarchy be practicable or impracticable, are especially two; the one quicker, the other slower: the quicker way will be by work-men, the slower by the work.

If the work-men (being willing) be yet overcome by the meer obstinacy of their matter, it amounteth unto a plain confession, that Monarchy is impracticable. And if they give away the Liberties of the People, they are overcome by the obstinacy of the matter; for that is not their work; nor any other work then such as must be void, not so much in regard of it self, though that may be true enough, as through the want of any other security then what the Prince had be-

fore, that is, an Army ; and such an Army the nature whereof, for security is none at all, but the contrary, as
 Book 3. hath been shewn already : not to be
 p. 16, 17, altered with better success then theirs,
 18, who became Princes in Grecian and Sicilian States.

But if the work-men give not away the Liberties of the People, then must they so bound their Prince, that he can in no wise invade those Liberties ; and this by any other means then the full & perfect introduction of a well-ordered Commonwealth, they will find to be utterly impossible : so either way they are overcome by the meer obstinacy of their matter.

If through secret dictate, (as when the Senate of *Rome* was *Conviva Caesaris*) or haste to make riddance, this be not perceived by the work-men, it will be but the more perceivable by the work when it cometh to wearing or in practice ; and the flaws or grievances being found insupportable, the next Parliament, through the meer want of other remedy, must introduce a Commonwealth.

Good, and egregiously Prophetical !

But

But what say you for all this, if we have an House of Peers, and that even for the Lords sake, there being no other way to secure the Liberty of Conscience? Why I say, if we have an House of Peers, it must be an House of old Peers, or an House of new Peers, or an House of the one and the other. Moreover I say, Let it be which you will, such an House may at some time, for some reason, be personally affected unto Liberty of Conscience; but is a constitution naturally averse, nay contrary unto the Liberty of Conscience, and therefore can be no security unto the same, whether the Lords be Spiritual or Temporal, or partiparpale.

Lords Spiritual are inspired with a third estate, or share of a Realm, which giveth no toleration unto any Religion, but that only asserting this point, which is Monarchy. Setting this Oracle and some like reason of State aside, we may think that every Sovereignty (as such) hath Liberty of Conscience: this a King having, cannot give; and a People having, will not lose. For liberty of conscience is in truth a kinde of State, wherein a man is his own Prince: but
an

an House of Peers sets up another Prince ; it cannot stand without a King. If the Balance be in the Lords, as before *Henry* the seventh, yet must they have a King to unite them, and by whom to administer their Government; and if the balance be not in the Lords, they stand or fall with the King, as the House of Peers in the long Parliament ; and the King falling, their Government devolves unto the People. Again, an House of Peers having the over-balance, signifies something ; in which case it hath not been known to be for Liberty of Conscience : and not having the over-balance, signifies nothing ; in which case it cannot secure the Liberty of Conscience : thus an House of Peers, whether something or nothing, is no way for the Liberty of Conscience, but every way for a King. And a King is a defender of the Faith. The faith whereof a King is defender, must be that which is, or he shall call his own faith ; and this faith it concerneth his Crown and Dignity, that he defend against all other faiths. True it is, that a King for a step unto a Throne, may use what is at hand ; other-

therwise where there is Liberty of Conscience, to assert Civil Liberty by Scripture can be no Atheism; which lameth a Prince of one arm. But where liberty of conscience is not, or not perfect, Divines, who (for the greater part) are no fair Hunts-men, but love alive to be poaching, or clubbing with the secular arm; though if we (who desire no such advantages) might prosecute them for abusing Scripture, as they have done this thousand years, to all ends, intents and purposes of Monarchy, they would think it an hard case; yet not only brand assertors of civil liberty with Atheism, but are some of them studious in contrivances, and quaint in plots to give check or remove to this or that eminent Patriot, by like pretences or charges; which succeeding accordingly, by the power of a Parliament, they may have a Parliament in their power. Where there is no liberty of conscience, there can be no civil liberty; and where there is no civil liberty, there can be no security unto liberty of conscience: but an House of Peers is not only a necessary, but a declared check

check upon civil liberty ; therefore it can be no security unto liberty of conscience. And so much for this particular.

Now to make upon the other parts proposed, and in a meer civil sense, some farther conjecture.

When an House of Peers setteth up an House of Commons, as in the Barons Wars, they will Govern the Commons well enough for their purpose, and not seldom the King too.

But we are to speak of a thing without any example, an House of Peers set up by an House of Commons ; nor, in the want of example, are we thought worthy to be furnished with reason : so the guidance of our Discourse upon this point, is committed unto Mother Wit, a notable Gossip, but not so good a Politician.

Nevertheless if this House consist of old Peerage only, we have direction enough to know how that will be ; for either the single person, or the commons will be predominant in the Government : if the Commons be so, then it will be with the Peers, as it was before their last seclusion ; that is, while they do as the Commons would have

have them, they may sit ; otherwise they are sent home : and if the single person be predominant, it can be no otherwise then by an Army ; in which case the old Peers being not in arms, nor having any help that way, are as much under the Yoke as the Commons : by which it may be apparent, that it is the great interest of the present Peerage, that there be a well-ordered Commonwealth ; otherwise the Commons being in bondage, the Lords whom that least becometh are but equal with them ; and being free, the Lords are not the head, but at the foot of them ; whereas in an equal Commonwealth, that the Nobility be not at the head, or have not the leading, is quite contrary unto all reason and experience.

If the House consist of new Peers only, it must consist of the chief Officers in the Army : which immediately divides the Government into two distinct Governments ; the one in the House of Commons, whose foundation is the body of the People ; the other in the House of Peers, whose foundation is the Army ; which Army if it remain firme unto the Peers

Peers, they not only command the Commons, but make and unmake Kings as they please, or as ambitious parties and persons among themselves are diligent or fortunate. But if the Army (as is most and more then most likely) come off to the Commons, the Peers are nothing, and the Commons introduce a Commonwealth.

If the House consist of new Peers and old, the old Peers while they like it, are cyphers to new figures; and when they like it not, may go home again: Nor whether they stay or go, is this case so different from the former, as to be any greater obstruction unto a Commonwealth.

To hate the very name of a Commonwealth, or not to see that *England* can be no other, is as if men were not in earnest. It is asked of the Commons what the Protector shall be, and he can be nothing but what they will. It is asked of the Commons what the other House shall be, and it can be nothing but what the Commons will. The Commons are asked whose the Army, whose the Militia, whose the Negative Vote is; nor can these be otherwise determined of then as they please.

please. The Commons are asked whether they will make such a War, whether they will pay such a Debt, whether they will advance such a Sum; all which are intirely at their discretion: therefore actually and positively *England* is a Commonwealth. Nay, and that there remain not the least doubt, whether it be safe for any man to say thus much, the present Government hath either no legal denomination at all, or is legally denominated the Commonwealth: the question of the future state of it, cometh not one whit upon the matter, which is already granted, but upon the form only. A Commonwealth for the matter makes her self; and where they will not bestow upon her the form necessary, faileth not to ruine, or at least to disgrace the work-men. Or, to speak more properly and piously, a Commonwealth is not made by men, but by God; and they who resist his holy will, are weapons that cannot prosper.

Feb. 20.
1659.

FINIS.

The Errors of the Press Corrected.

Book I.

Page 18, line 23. for *facility* read *felicity*.

Page 32, line 7. the stop which is at the word *orders*, should be at the word *excusing*.

Book II.

PAge 16, line 23, for *belongeth* read *belonged*

Page 23. line 10, read by lot, and intailing the lands
so distributed upon the proprietors.

Page 25, line 19, for *caused* read *causing*.

Page 42, line 27, for *sixty one* read *sixty*.

Page 83. line 11. I desire a courtesie unto my self, which is, that in these words, *This indeed is so clear in their Talmud*, I may be understood no otherwise, then that this is so generally affirmed by their Talmudists.

Book I I I.

pAge 15. line 15, for *which bath amounted* read *they have amounted.*

Page 4, line 19, for attending read offending.

Page 50. line 23. read consisteth fundamentally of the Signiory with nine Knights elected by the Council of State, additionally of nine Knights more emergently chosen by the Senate.

Page 52. line 15. for *consisting of four* Senators read *consisting of five* Senators.

Page 58. line 3. for of the people read of Israel.

In the same, line 11. for amounting read amoured.

Page 121. line 29. for *stand one year* read *stand one year,*
because of the Citizen in arms.

